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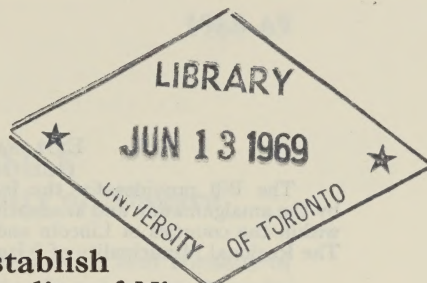




## BILL 174

Government  
Publications2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

85

**An Act to establish  
The Regional Municipality of Niagara**

Mr. McKEOUGH

TORONTO

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EXPLANATORY NOTES

The Bill provides for the formation of twelve area municipalities by the amalgamation and annexation of the twenty-six local municipalities within the counties of Lincoln and Welland and for the incorporation of The Regional Municipality of Niagara and the dissolution of the counties.

The Bill is divided into ten Parts:

- PART I — Area Municipalities.
- PART II — Incorporation and Council of Regional Area.
- PART III — Regional Waterworks System.
- PART IV — Regional Sewage Works.
- PART V — Regional Road System.
- PART VI — Planning.
- PART VII — Health and Welfare Services.
- PART VIII — Police.
- PART IX — Finances.
- PART X — General.



BILL 174

1968-69

## An Act to establish The Regional Municipality of Niagara

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### INTERPRETATION

**1.** In this Act,

Interpre-  
tation

- (a) "area municipality" means the municipality or corporation of the Town of Beamsville, the Town of Fort Erie, the Town of Grimsby, the City of Niagara Falls, the Town of Niagara-on-the-Lake, the Town of Pelham, the City of Port Colborne, the City of St. Catharines, the Town of Thorold, the Township of Wainfleet, the City of Welland and the Township of West Lincoln, all as constituted or continued by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "Department" means the Department of Municipal Affairs;
- (f) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (g) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;

- (h) "land" includes lands, tenements, and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (i) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2;
- (k) "Minister" means the Minister of Municipal Affairs;
- (l) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 138;
- (m) "Municipal Board" means the Ontario Municipal Board;
- (n) "Regional Area",
  - (i) until the 1st day of January, 1970, means the area included within the counties of Lincoln and Welland, and
  - (ii) on and after the 1st day of January, 1970, means the area from time to time included within the area municipalities;
- (o) "Regional Corporation" means The Regional Municipality of Niagara;
- (p) "Regional Council" means the council of the Regional Corporation;



- (q) "regional road" means a road forming part of the regional road system established under Part V;
- (r) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

## PART I

### AREA MUNICIPALITIES

#### 2.—(1) On the 1st day of January, 1970,

Constitu-  
tion of  
area muni-  
cipalities

- (a) The Corporation of the Town of Beamsville and The Corporation of the Township of Clinton are amalgamated as a town municipality bearing the name of The Corporation of the Town of Beamsville and the portion of the Township of Louth, described as follows, is annexed to such town:

COMMENCING at a point in the southern boundary of the Township of Louth, where it is intersected by the southerly production of the line between lots 7 and 8 in Concession VIII of the said Township;

THENCE northerly to and along the line between lots 7 and 8 in concessions VIII, VII, VI and V respectively, to the middle of the main channel of the Fifteen Mile Creek, south of the King's Highway No. 8;

THENCE in a general northerly direction following the middle of the main channel of the Fifteen Mile Creek to its mouth at Lake Ontario;

THENCE northerly on the same course as the westerly boundary of the present Township of Louth, to the north boundary of the said Township as defined by subsection 2 of section 6 of *The Territorial Division Act*, being chapter 395 of the Revised Statutes of Ontario, 1960;

THENCE westerly along the north boundary of the Township of Louth as defined by subsection 2 of section 6 of *The Territorial Division Act*, to the northerly prolongation of the west boundary of the Township of Louth;

THENCE southerly along the last-mentioned prolongation being along the boundary between the Townships of Clinton and Louth, in accordance with the provisions of *The Territorial Division Act*, to the southerly high water mark of Lake Ontario;

THENCE southerly along the boundary between the present townships of Clinton and Louth to the southwest angle of the said Township of Louth;

THENCE easterly along the south boundary of the said Township of Louth being along the boundary between the townships of Louth and Pelham to the point of commencement;

- (b) The Corporation of the Town of Fort Erie, The Corporation of the Township of Bertie and The Corporation of the Village of Crystal Beach are amalgamated as a town municipality bearing the name of The Corporation of the Town of Fort Erie and the portion of the Township of Willoughby, described as follows, is annexed to such town:

COMMENCING at the northwestern angle of the Township of Bertie;

THENCE northerly along the prolongation of the western boundary of the said Township of Bertie, to the north limit of Lot 29 in the adjoining Cross Concession of the Township of Willoughby;

THENCE easterly along the north limit of lots 29 to 22, both inclusive, of the last-mentioned Concession, to the southeastern angle of Lot 20 in the Cross Concession of the said Township of Willoughby;

THENCE northerly along the easterly limit of Lot 20 and its prolongation northerly to the centre line of the road allowance between lots 2 and 3 in the Broken Front Concession, Niagara River of the Township of Willoughby;

THENCE easterly along the last-mentioned centre of road allowance and its prolongation to the International Boundary between Canada and the United States of America in the Niagara River;

THENCE southeasterly along the said International Boundary through the said Niagara River, to the easterly prolongation of the southern boundary of the said Township of Willoughby;

THENCE westerly along the last-mentioned prolongation and along the boundary between the said townships of Bertie and Willoughby, to the northwestern angle of the said Township of Bertie and the point of commencement;

- (c) The Corporation of the Town of Grimsby and The Corporation of the Township of North Grimsby are amalgamated as a town municipality bearing the name of The Corporation of the Town of Grimsby;
- (d) The Corporation of the City of Niagara Falls and The Corporation of the Village of Chippawa are amalgamated as a city municipality bearing the name of The Corporation of the City of Niagara Falls and the portions of the townships of Crowland, Humberstone and Willoughby, described as follows, are annexed to such city:

FIRSTLY, part of the Township of Crowland, commencing at the northeast angle of the Township of Crowland being at a point in the middle of the main channel of the Welland River;

THENCE westerly along the middle of the main channel of the Welland River being along the boundary between the Township of Crowland and the City of Niagara Falls, to the northerly prolongation of the line between lots 9 and 10 in the Broken Front Concession of the said Township of Crowland;

THENCE southerly to and along the line between lots 9 and 10 in the Broken Front Concession and between lots 9 and 10 in concessions I to VII both inclusive, and between lots 9 and 10 in the Gore and its extension southerly, to the southern boundary of the township of Crowland;

THENCE easterly along the southern boundary of the said Township being along the boundary between the townships of Crowland and Humberstone, to the southeast angle of the said Township of Crowland;

THENCE northerly along the eastern boundary of the Township of Crowland being along the boundary between the townships of Crowland and Willoughby, to the point of commencement;

SECONDLY, part of the Township of Humberstone, commencing at the southeast angle of the Township of Crowland;



THENCE westerly along the boundary between the townships of Humberstone and Crowland, to the southerly prolongation of the line between lots 9 and 10 in the Gore of the said Township of Crowland;

THENCE southerly along the last-mentioned prolongation, to a point distant 1,000 feet south of the south limit of the road allowance between the townships of Humberstone and Crowland;

THENCE easterly parallel with the south limit of the road allowance between the said townships of Humberstone and Crowland and its production easterly, to the easterly boundary of the Township of Humberstone;

THENCE northerly along the boundary between the townships of Humberstone and Bertie, to the north-easterly angle of the Township of Humberstone;

THENCE westerly along the north boundary of the said Township of Humberstone to the point of commencement;

THIRDLY, part of the Township of Willoughby, commencing at the northwesterly angle of the Township of Willoughby being at a point in the middle of the main channel of the Welland River;

THENCE southerly along the west boundary of the Township of Willoughby being along the boundary between the townships of Willoughby and Crowland, to the southwestern angle of the Township of Willoughby;

THENCE easterly along the southern boundary of the Township of Willoughby to the westerly boundary of the Township of Bertie;

THENCE northerly along the said boundary of the Township of Bertie and along the said boundary produced, to the north limit of Lot 29 in the adjoining Cross Concession of the Township of Willoughby;

THENCE easterly along the north limit of lots 29 to 22, both inclusive, of the last-mentioned Concession, to the southeast angle of Lot 20 in the First Cross Concession of the said Township of Willoughby;

THENCE northerly along the east limit of the said Lot 20 and its prolongation northerly to the centre line of the road allowance between lots 2 and 3 in the Broken Front Concession, Niagara River, of the said Township of Willoughby;

THENCE easterly along the last-mentioned centre of road allowance and its prolongation, to the International Boundary between Canada and the United States of America in the Niagara River;

THENCE in a general northerly direction along the said International Boundary to the easterly prolongation of a straight line joining the middle of the main channel of the Welland River at the west limit of the Township of Willoughby, with the middle of the said river where it enters the Niagara River;

THENCE westerly along the last-mentioned prolongation to the east limit of the Village of Chippawa;

THENCE southeasterly, southwesterly, westerly and northerly along the boundaries of the said village, to the middle of the main channel of the Welland River;

THENCE westerly following the middle of the main channel of the Welland River being along the north boundary of the Township of Willoughby to the point of commencement;

- (e) The Corporation of the Town of Niagara and The Corporation of the Township of Niagara are amalgamated as a town municipality bearing the name of The Corporation of the Town of Niagara-on-the Lake;
- (f) The Corporation of the Township of Pelham and The Corporation of the Village of Fontheil are amalgamated as a town municipality bearing the name of The Corporation of the Town of Pelham and the portion of the Township of Thorold, described as follows, is annexed to such town:

COMMENCING at a point in the westerly boundary of the Township of Thorold where it is intersected by the southerly limit of the right-of-way of The Hydro-Electric Power Commission of Ontario, crossing Lot 163 of the Township of Thorold;

THENCE southeasterly and easterly along the southerly limit of the said right-of-way, across lots 163, 162, 161 and 160, of the Township of Thorold, to the right-of-way of the Niagara, St. Catharines and Toronto Railway;

THENCE easterly following the south limit of the last-mentioned right-of-way to a point distant 660 feet measured easterly at right angles from the eastern limit of Rice Road in the said Township of Thorold;

THENCE southerly parallel with the eastern limit of Rice Road, to a point in a line midway between Merritt Road and Quaker Road, the said point being in the line between the north and south halves of Lot 174 in the said Township of Thorold;

THENCE westerly along the said midway line, to a point in the western limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway;

THENCE southerly along the westerly limit of the said right-of-way to the northern limit of the City of Welland;

THENCE westerly along the northern limit of the City of Welland, to the east boundary of the Township of Pelham;

THENCE northerly along the east boundary of the Township of Pelham, being along the boundary between the townships of Pelham and Thorold, to the south boundary of the Village of Fonthill;

THENCE following the boundaries of the said Village, easterly, northerly and westerly to the west boundary of the Township of Thorold;

THENCE northerly along the western boundary of the Township of Thorold to the point of commencement;

- (g) The portion of the Township of Humberstone, described as follows, is annexed to The Corporation of the City of Port Colborne:



COMMENCING at a point in the northern high water mark of Lake Erie where it is intersected by the easterly boundary of the said Township of Humberstone;

THENCE northerly along the said easterly boundary being along the boundary between the townships of Humberstone and Bertie, to a point distant 1,000 feet measured southerly thereon from the easterly production of the south limit of the allowance for road between the townships of Crowland and Humberstone;

THENCE westerly parallel to the south limit of the last-mentioned allowance for road and its production westerly to the west bank of the New Welland Ship Canal, now under construction;

THENCE southwesterly along the said west bank to its intersection with the east bank of the present ship canal;

THENCE northerly along the last-mentioned bank of the present ship canal to a point distant 1,000 feet measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone, known as The Forks Road;

THENCE westerly parallel with the last-mentioned limit of road allowance to the western boundary of the Township of Humberstone;

THENCE southerly along the west boundary of the said Township of Humberstone being along the boundary between the townships of Humberstone and Wainfleet to the northwestern angle of the City of Port Colborne;

THENCE following along the northern, eastern and southern boundaries of the said City of Port Colborne, to the boundary between the townships of Humberstone and Wainfleet;

THENCE southerly along the prolongation of the boundary between the said townships to the International Boundary between Canada and the United States of America;

THENCE northeasterly along the said International Boundary, to the southerly prolongation of the eastern boundary of the said Township of Humberstone;

THENCE northerly along the last-mentioned prolongation, to the point of commencement;

- (h) The portion of the Township of Louth, described as follows, is annexed to The Corporation of the City of St. Catharines:

COMMENCING at a point in the south boundary of the Township of Louth where it is intersected by the southerly prolongation of the line between lots 7 and 8 in Concession VIII;

THENCE northerly to and along the line between lots 7 and 8 across concessions VIII, VII, VI and V, to the middle of the main channel of the Fifteen Mile Creek south of the King's Highway Number 8;

THENCE northerly along the middle of the main channel of the Fifteen Mile Creek, to its outlet into Lake Ontario;

THENCE northerly on the same course as the westerly boundary of the Township of Louth, to the north boundary of the said Township being to a line in Lake Ontario as defined by subsection 2 of section 6 of *The Territorial Division Act*, being chapter 395 of the Revised Statutes of Ontario, 1960;

THENCE easterly along the last-mentioned line, to the northerly prolongation of the easterly boundary of the Township of Louth;

THENCE southerly along the last-mentioned prolongation, being along the boundary between the Township of Louth and the City of St. Catharines, to the southerly high water mark of Lake Ontario;

THENCE southerly continuing along the boundary between the Township of Louth and the City of St. Catharines, to the southeast angle of the said Township of Louth;

THENCE westerly along the south boundary of the Township of Louth being along the boundary between the Township of Louth and the Township of Thorold and between the Township of Louth and the Township of Pelham, to the point of commencement;

- (i) The portions of the townships of Crowland and Thorold, described as follows, are annexed to The Corporation of the Town of Thorold:

FIRSTLY, that part of the Township of Crowland lying between the middle of the main channel of the diverted course of the Welland River and the middle of the main channel of the former course of the Welland River;

SECONDLY, part of the Township of Thorold, commencing at the northwest angle of the original Township of Thorold;

THENCE southerly along the western boundary of the said Township to the southerly limit of the right-of-way of The Hydro-Electric Power Commission of Ontario crossing Lot 163 of the said Township;

THENCE southeasterly and easterly along the southerly limit of the said right-of-way across lots 163, 162, 161 and 160, to its intersection with the south limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway;

THENCE easterly following the south limit of the last-mentioned railway right-of-way to a point distant 660 feet measured easterly at right angles from the east limit of Rice Road;

THENCE southerly parallel to the said Rice Road to a point in the line between the north and south halves of Lot 174 of the said township being to the line midway between Merritt Road and Quaker Road;

THENCE easterly along the said midway line being along the line between the north and south halves of lots 174, 228, 227, 226, 225, 224, 223 and 222 and its production to the middle of the main channel of the Welland River;



THENCE northeasterly and easterly along the middle of the main channel of the said river, to the south-east angle of the said Township of Thorold;

THENCE northerly, westerly and northerly along the boundary between the said Township of Thorold and the City of Niagara Falls to the south boundary of the Town of Thorold;

THENCE following the southerly and westerly boundaries of the said Town of Thorold, to the northwest angle of the said Town being on the northern boundary of the Township of Thorold;

THENCE westerly along the northern boundary of the said Township, westerly, northerly and westerly, to the point of commencement;

- (j) The Corporation of the Township of Wainfleet is continued;
- (k) The portions of the townships of Crowland, Humberstone and Thorold, described as follows, are annexed to The Corporation of the City of Welland:

FIRSTLY, part of the Township of Crowland, commencing at a point in the north boundary of the City of Welland where it is intersected by the middle of the main channel of the Welland River;

THENCE northeasterly and easterly along the middle of the main channel of the Welland River, along the middle of the main channel of the diverted course of the said river, and along the middle of the main channel of the Welland River to the northerly prolongation of the line between lots 9 and 10 in the Broken Front Concession of the said Township of Crowland;

THENCE southerly to and along the line between lots 9 and 10 in the Broken Front Concession, along the line between lots 9 and 10 in concessions I to VII, both inclusive, and along the line between lots 9 and 10 in the Gore of the said Township and its prolongation to the south boundary of the Township of Crowland;

THENCE westerly along the south boundary of the said Township of Crowland, being along the boundary between the townships of Crowland and Humberstone to the east boundary of the City of Welland;

THENCE northerly and westerly along the boundary between the Township of Crowland and the City of Welland, to the point of commencement;

SECONDLY, part of the Township of Humberstone, commencing at a point in the east boundary of the City of Welland where it is intersected by the boundary between the townships of Humberstone and Crowland;

THENCE easterly along the last-mentioned boundary to the southerly prolongation of the line between lots 9 and 10 in the Gore of the Township of Crowland;

THENCE southerly along the said prolongation, to a point distant 1,000 feet measured southerly thereon from the south limit of the road allowance between the townships of Humberstone and Crowland;

THENCE westerly along a line parallel with the south limit of the road allowance between the said townships of Humberstone and Crowland, known as the Netherby Road, and its production westerly, to the west bank of the New Welland Ship Canal, now under construction, the limit of which to be defined in detail after completion;

THENCE southwesterly along the said west bank to its intersection with the east bank of the present ship canal;

THENCE northerly along the last-mentioned bank to a point distant 1,000 feet measured southerly at right angles from the south limit of the road allowance between concessions IV and V of the said Township of Humberstone, known as the Forks Road;

THENCE westerly parallel with the last-mentioned limit of the road allowance to the western limit of the said Township of Humberstone;

THENCE northerly along the west boundary of the said Township of Humberstone being along the line between the townships of Humberstone and Wainfleet, to the southern boundary of the present City of Welland;

THENCE easterly following the boundaries of the present City of Welland to the point of commencement;

THIRDLY, part of the Township of Thorold, commencing at a point in the north boundary of the City of Welland where it is intersected by the western limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway;

THENCE northerly along the western limit of the said railway to the line between the north and south halves of Lot 176 of the Township of Thorold, being to the line midway between Merritt Road and Quaker Road;

THENCE easterly along the said midway line being along the line between the north and south halves of lots 176, 175, 174, 228, 227, 226, 225, 224, 223 and 222 and its production to the middle of the main channel of the Welland River;

THENCE southwesterly along the said middle of channel being along the southeast boundary of the Township of Thorold to its intersection with the north boundary of the City of Welland;

THENCE westerly along the said boundary of the City of Welland to the point of commencement;

- (1) The Corporation of the Township of Caistor, The Corporation of the Township of Gainsborough and The Corporation of the Township of South Grimsby are amalgamated as a township municipality bearing the name of The Corporation of the Township of West Lincoln.

Dissolution  
of police  
villages

- (2) The following police villages are dissolved on the 1st day of January, 1970:

1. The Police Village of Campden.
2. The Police Village of Fenwick.



3. The Police Village of Jordan.
4. The Police Village of Jordan Station.
5. The Police Village of Queenston.
6. The Police Village of St. Davids.
7. The Police Village of Vineland.

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 10 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Amalgamations and annexations deemed by Municipal Board orders  
R.S.O. 1960, c. 274

(4) If directed by order of the Minister, a vote of the electors of the Town of Beamsville as established by clause *a* of subsection 1 shall be taken at the same time as the election for the first council of the Town, to determine from among the names designated by the Minister, which name the Town shall bear and, following the vote, the Minister shall by order,

Referendum re name of Town

(a) confirm the name of the Town as set out in clause *a* of subsection 1; or

(b) declare the name that the Town shall bear,

and where a declaration is made under clause *b*, all references to the Town shall be deemed to refer to the Town as designated in the declaration.

**3.**—(1) On and after the 1st day of January, 1970, the council of each area municipality shall be composed of a mayor, who shall be elected by general vote and shall be the head of the council, and aldermen in the respective area municipalities as follows:

Composition of councils

1. Town of Beamsville—eight aldermen elected by wards.
2. Town of Fort Erie—twelve aldermen, eleven elected by wards and one elected by general vote.
3. Town of Grimsby—eight aldermen elected by general vote.
4. City of Niagara Falls—twelve aldermen elected by wards.
5. Town of Niagara-on-the-Lake—eight aldermen elected by general vote.
6. Town of Pelham—six aldermen elected by wards.
7. City of Port Colborne—eight aldermen elected by wards.
8. City of St. Catharines—twelve aldermen elected by wards.
9. Town of Thorold—ten aldermen elected by general vote.
10. Township of Wainfleet—four aldermen elected by general vote.
11. City of Welland—fourteen aldermen elected by wards.
12. Township of West Lincoln—six aldermen elected by wards.

Election  
and term  
of office

(2) With respect to the area municipalities, except the Township of Wainfleet, elections of the first councils thereof shall be held in the year 1969, and the day for polling shall be the 6th day of October and the first councils elected shall hold office for the years 1970, 1971 and 1972.

Idem

(3) For the purposes of the elections of the first councils of the area municipalities, except the Township of Wainfleet,

(a) the Minister shall by order,

(i) divide into wards the Town of Beamsville, the Town of Fort Erie, the City of Niagara Falls, the Town of Niagara-on-the-Lake, the Town of Pelham, the City of Port Colborne,

the City of St. Catharines, the City of Welland and the Township of West Lincoln, all as constituted by section 2 and make provision for the respective numbers of aldermen to be elected in the respective wards,

- (ii) with respect to the Town of Fort Erie and the City of Niagara Falls, make provision that only persons whose principal place of residence was continuously since the 1st day of January, 1969, in such wards are eligible to be elected as aldermen for such wards,
- (iii) fix the days, times and places of nominations, and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, and
- (iv) provide for such other matters as he considers necessary to hold the elections; and
- (b) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act* <sup>R.S.O. 1960, c. 249</sup> and are resident in a local municipality or part thereof within the Regional Area for the period between the 1st day of January, 1969, and the day of the poll are entitled to be entered on the voters' list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled.

(4) With respect to the Township of Wainfleet,

Wainfleet

- (a) the reeve, deputy reeve and three councillors in office on the day this Part comes into force shall hold office until the 31st day of December, 1970, or until their successors are elected or appointed, and, on and after the 1st day of January, 1970, the reeve shall be known as the mayor and the deputy reeve and councillors shall be known as aldermen; and
- (b) an election shall be held in the year 1970 to elect a mayor and four aldermen who shall hold office for the years 1971 and 1972.

(5) The mayor of the Town of Niagara-on-the-Lake shall be known as the Lord Mayor. <sup>Mayor of Niagara-on-the-Lake</sup>



Organiza-  
tion com-  
mittee in  
1969

(6) The members of the council of each area municipality elected in the year 1969 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Expenses of  
first  
elections

(7) The expenses of the local municipalities for the elections to elect members of the Regional Council and of the councils of the area municipalities in the year 1969 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Meetings  
of electors  
for nomina-  
tion of  
candidates  
and polling  
day

4.—(1) In every area municipality,

(a) meetings of electors for the nomination of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second year thereafter on the second Monday preceding the first Monday in December; and

(b) the day for polling in the year 1972 and in every second year thereafter shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

Place of  
nomination  
meeting

(2) The council of every area municipality, before the 1st day of November in the year 1972 and in every second year thereafter, shall pass a by-law naming the place or places and time or times at which the nomination meeting or meetings shall be held.

Term of  
office

(3) The members of the council of each area municipality and such local boards, commencing with such councils and local boards which take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new council or board is organized.

Resident  
voters' list  
R.S.O. 1960,  
c. 254

(4) Each area municipality shall be deemed to have passed a by-law providing for a resident voters' list under *The Municipal Franchise Extension Act*, and the assent of the electors as required therein shall be deemed to have been received.

Commence-  
ment  
of Part

5. This Part comes into force on the day this Act receives Royal Assent.

## PART II

## INCORPORATION AND COUNCIL OF REGIONAL AREA

**6.**—(1) On the 15th day of October, 1969, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Niagara". Regional Corporation constituted

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act*. Deemed municipality under R.S.O. 1960, c. 98, 274

(3) On and after the 1st day of January, 1970, each of the judicial districts of Niagara North and Niagara South, as described in section 5a of *The Territorial Division Act*, shall be deemed to be a county for all judicial purposes. Regional Area deemed county for judicial purposes R.S.O. 1960, c. 395

(4) Every person who held an office or appointment under any Act on the 31st day of December, 1969, in and for the County of Lincoln or in and for the County of Welland shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1970, in and for the Judicial District of Niagara North or in and for the Judicial District of Niagara South, as the case may be. Appointments for counties of Lincoln and Welland deemed appointments for Niagara North and Niagara South

**7.**—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area. Regional Council to exercise corporate powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law. Powers exercised by by-laws

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. Not to be quashed as unreasonable

**8.**—(1) The Regional Council shall consist of twenty-nine members composed of a chairman and, Composition of Regional Council

(a) in the year 1969, the mayor-elect of each area municipality and the reeve of the Township of Wainfleet and thereafter the head of the council of each area municipality;

(b) five members elected by general vote of the electors of the area municipality of the City of St. Catharines;

- (c) three members elected by general vote of the electors of the area municipality of the City of Niagara Falls;
- (d) two members elected by general vote of the electors of the area municipality of the City of Welland;
- (e) one member elected respectively by general vote of the electors of each of the area municipalities of the Town of Beamsville, the Town of Fort Erie, the Town of Grimsby, the Town of Niagara-on-the-Lake, the City of Port Colborne and the Town of Thorold.

Appoint-  
ment of  
chairman by  
Lieutenant  
Governor  
in Council

(2) The chairman shall be appointed by the Lieutenant Governor in Council before the 15th day of October, 1969, to hold office at pleasure during the years 1969 to 1972 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Biennial  
appoint-  
ment of  
chairman

(3) At the first meeting of the Regional Council in the year 1973 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 20 shall preside until the chairman is elected.

Resignation  
from Area  
Council

(4) Where the head of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant, and an election shall be held in such municipality forthwith to elect a head of council, except where the vacancy occurs during the last nine months of the term of office of the head of council in which case section 150 of *The Municipal Act* applies, and the expenses of such election shall be borne by the Regional Corporation.

R.S.O. 1960,  
c. 249

Failure  
to elect  
chairman

(5) If at the first meeting of the Regional Council in the year 1973 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.



**9.**—(1) The election of the members of the Regional Council <sup>Elections</sup> to be elected by general vote of the electors of an area municipality as provided in section 8, subject to any order of the Minister under subsection 2, shall be held at the same times and in the same manner as the election of the mayor of such area municipality, and the members so elected at the elections to be held in the year 1969 shall hold office for the years 1969 to 1972 inclusive, and thereafter such members, commencing with the members to take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new Regional Council is organized.

(2) For the purposes of the elections to be held in the <sup>1969 election</sup> year 1969 of the members of the Regional Council to be elected by general vote of the electors of the area municipalities,

(a) the Minister may by order fix the days, times and places of nominations, and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, and such other matters as he may deem necessary to carry out the elections; and

(b) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act* <sup>R.S.O. 1960, c. 249</sup> and are resident in a local municipality within the Regional Area for the period between the 1st day of January, 1969, and the day of the poll are entitled to be entered on the voters' list in addition to those so ordinarily entitled.

(3) A person is eligible to be elected a member of the <sup>Qualifications</sup> Regional Council by the electors of an area municipality if he is eligible to be elected a member of the council of the area municipality or to be appointed to fill a vacancy in the office of a member so elected, but no person, except a mayor, may be a member of the Regional Council and the council of an area municipality at the same time.

(4) Section 35 of *The Municipal Act* applies *mutatis* <sup>Disqualification</sup> *mutandis* to the Regional Council.

**10.**—(1) The first meeting of the Regional Council shall <sup>First meeting 1969</sup> be held on or after the 15th day of October, 1969, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First  
meeting  
of area  
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1970 and in the year 1973 and in every second year thereafter shall be held not later than the 8th day of January, and in the year 1970 the first meeting shall be called by the mayor-elect at such time and place as he may designate.

First  
meeting of  
Regional  
Council

(3) The first meeting of the Regional Council in the year 1970 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

Certificate  
of qualifi-  
cation

(4) A person entitled to be a member *ex officio* of the Regional Council shall not take his seat until he has filed with the person presiding at a meeting a certificate under the hand of the clerk of the area municipality of which he is the head of the council and under the seal of the area municipality certifying that he is entitled to be a member of the Regional Council.

Oath of  
allegiance,  
declaration  
of qualifi-  
cation

(5) The chairman, before taking his seat, shall take an oath of allegiance (Form 1) and a declaration of qualification (Form 2).

Declarations  
of office  
R.S.O. 1960,  
c. 249

(6) No business shall be proceeded with at the first meeting until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

When  
Council  
deemed  
organized

(7) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 1 of section 12.

Place of  
meeting

**11.** Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints.

Quorum  
voting

**12.—**(1) Fifteen members of the Regional Council representing at least six area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Subject to subsection 3, each member of the Regional Council has one vote only.

(3) The chairman does not have a vote except in the event of an equality of votes. Chairman's vote

**13.**—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. Vacancies, chairman

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 3 of section 8, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor. Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. Idem

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality from which he was elected shall by by-law within thirty days after the vacancy occurs appoint a successor, who is eligible to be elected a member of the Regional Council, to hold office for the remainder of the term of his predecessor. Other members

(5) Section 144 of *The Municipal Act*, except clauses *f*, *g* and *h*, applies to the Regional Council. When seat to become vacant  
R.S.O. 1960  
c. 249

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. Where head of council incapacitated

**14.**—(1) Members of the Regional Council, other than the chairman, may be paid, on and after the 1st day of January, 1970, such annual and other remuneration as the Regional Council may determine. Remuneration

(2) For the year 1973 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine. Idem



Committees  
of council

**15.**—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it deems expedient.

Remunera-  
tion of  
committee  
chairman

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee, except where such chairman is also the chairman of the Regional Council.

Procedural  
by-laws

**16.** The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

Head of  
council

**17.**—(1) The chairman is the head of the Regional Council and, subject to subsection 2, is the chief executive officer of the Regional Corporation.

Chief  
executive  
officer

(2) The Regional Council may by by-law appoint a chief executive officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

Application  
of  
R.S.O. 1960,  
c. 249, s. 239

(3) Subsection 2 of section 239 of *The Municipal Act* applies to a chief executive officer appointed under subsection 1.

Acting  
chairman

**18.** When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

Application  
of  
R.S.O. 1960,  
c. 249

**19.**—(1) Sections 192, 193, 195, 197, 198, 253, 275 to 280, and 406a of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Sections 190, 198a, 198b, 199 and 244 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Council. <sup>idem</sup>

**20.**—(1) The Regional Council shall appoint an officer, <sup>Appointment of officer and his duties</sup> whose duty it is,

- (a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy who shall <sup>Deputy officer</sup> have all the powers and duties of the officer appointed under subsection 1.

(3) When the office of the officer appointed under subsection 1 is vacant or the incumbent is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting officer *pro tempore* who shall have all the powers and duties of the officer appointed under subsection 1. <sup>Acting officer</sup>

(4) The chairman appointed under subsection 2 of section 8 shall appoint an acting officer who shall have all the powers and duties of an officer under subsection 1 for the purposes of the first meeting of the Regional Council in the year 1969 and thereafter until the Regional Council appoints an officer under this section. <sup>Acting officer, first meeting 1969</sup>

(5) An officer appointed under this section is deemed to be the clerk of the Regional Corporation for the purposes of every Act. <sup>Officer deemed clerk under other Acts</sup>

**21.**—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of an officer appointed under section 20, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional <sup>Minutes open to inspection and copies to be furnished</sup>

Corporation made to the Regional Council or any of its committees, and the officer within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of  
by-laws  
affecting  
land

(2) The officer appointed under section 20 shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies  
certified  
by officer  
to be  
receivable  
in evidence

(3) A copy of any record, book or document in the possession or under the control of an officer appointed under section 20, purporting to be certified under his hand and seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appoint-  
ment of  
financial  
officer

**22.**—(1) The Regional Council shall appoint a financial officer to undertake the duties of a treasurer and such financial officer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy  
financial  
officer

(2) The Regional Council may appoint a deputy financial officer who shall have all the powers and duties of the financial officer.

Acting  
financial  
officer

(3) When the office of financial officer is vacant or the financial officer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting financial officer *pro tempore* who shall have all the powers and duties of the financial officer.

Financial  
officer  
deemed  
treasurer  
under other  
Acts

(4) A financial officer appointed under this section is deemed to be the treasurer of the Regional Corporation for the purposes of every Act.

Receipt and  
disburse-  
ment of  
money

**23.**—(1) The financial officer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the financial officer shall be signed by the financial officer and by some other person or persons designated for the purpose

by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection 1, the Regional Council <sup>Signing of cheques</sup> may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the financial officer; and
- (b) provide that the signature of the financial officer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the <sup>Petty cash fund</sup> financial officer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide.

(4) Except where otherwise expressly provided by this <sup>Member of Council, when he may be paid for work</sup> Act, a member of the Regional Council shall not receive any money from the financial officer for any work or service performed or to be performed.

(5) The financial officer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. <sup>Financial officer's liability limited</sup>

**24.** Subject to subsection 3 of section 23, the financial <sup>Bank accounts</sup> officer shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the financial officer vary from such provisions.



Monthly  
statement  
by financial  
officer

**25.**—(1) The financial officer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to  
sureties

(2) Where the financial officer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Appoint-  
ment of  
auditors

**26.**—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation.

Cost of  
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Department may upon application finally determine the amount thereof.

Disqualifi-  
cation of  
auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of  
auditors

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Department.

Audit of  
accounts  
before  
payment

(5) The Regional Council may provide that all accounts shall be audited before payment.

Application  
of  
R.S.O. 1960,  
c. 249

**27.**—(1) Sections 217, 223, 223a, 230, 232, 233, 234 and 236, subsections 1, 4 and 5 of section 238, sections 239, 240, 246 and 248c and paragraphs 58, 59, 60, 61 and 62 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Pensions

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional

Area or by the County of Lincoln or a local board thereof or the County of Welland or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

(3) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan. <sup>Idem</sup>

(4) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Lincoln or a local board thereof or the County of Welland or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof. <sup>Sick leave credits</sup>

(5) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Lincoln or a local board thereof or the County of Welland or a local board thereof or a suburban roads commission, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof. <sup>Holidays</sup>

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1969, is employed by the County of Lincoln or the County of Welland or by any suburban roads commission or the Niagara District Health <sup>Offer of continuation of employment by Regional Council</sup>

Unit or in any undertaking of any local municipality or local board that is assumed by the Regional Corporation under this Act.

Entitlement  
to salary

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1970, of not less than he was receiving on the 1st day of April, 1969, and such wage or salary shall include any increase that comes into effect as of the 1st day of July, 1969, where such increase was established by a by-law or a union contract passed or approved before the 1st day of April, 1969, and such wage or salary as is governed by a collective agreement in the process of being negotiated before the 1st day of July, 1969, shall be his wage or salary as of the 1st day of July, 1969.

Application  
of 1961-62,  
c. 97

(8) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62*.

Offer of  
continua-  
tion of  
employment  
by area  
council

(9) The employees of the local municipalities and the local boards thereof within the Regional Area which are amalgamated or annexed in whole or in part to form an area municipality, except employees offered employment by the Regional Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1970, not less than he was receiving on the 1st day of April, 1969.

Sick leave  
credits

(10) Any sick leave credits standing, on the 31st day of December, 1969, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in the sick leave credit plan established by the new employer.

Holidays

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Commence-  
ment of  
Part

**28.** This Part comes into force on the day this Act receives Royal Assent.

## PART III

## REGIONAL WATERWORKS SYSTEM

**29.**—(1) For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area, respecting the supply of water and the establishment, construction, maintenance, operation, improvement and extension of a waterworks system. <sup>Establishment of waterworks</sup>

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional waterworks system to a public utilities commission. <sup>Waterworks utilities commission prohibited</sup>

**30.**—(1) The Regional Council shall, before the 31st day of December, 1969, pass by-laws which shall be effective on the 1st day of January, 1970, assuming as part of the regional waterworks system all works for the production, treatment and storage of water operated by or on behalf of each area municipality or any local board thereof and all trunk distribution mains connected therewith and all rights and obligations of an area municipality or local board in relation to such works and mains, and on the day any such by-law becomes effective all the real and personal property in relation to the works and mains designated therein vests in the Regional Corporation. <sup>Assumption of works and main</sup>

(2) A by-law under subsection 1 shall designate and describe the works and trunk distribution mains assumed. <sup>Idem</sup>

(3) For the purpose of subsection 1, a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it. <sup>Interpretation</sup>

(4) Notwithstanding subsection 1, a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 31st day of December, 1969, and in that case the by-law becomes effective on the date provided therein. <sup>Extension of time</sup>

(5) Where the Regional Corporation assumes a work or trunk distribution main vested in an area municipality or local board, <sup>Regional liability</sup>

(a) no compensation or damages shall be payable to the area municipality or local board;



- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or main, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1960,  
c. 223

**Default**

(6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

**Settling of doubts**

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

**Interpretation**

(8) In this section, "works" means buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, intakes, outlets, underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses.

**Existing agreements**

**31.**—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable for the supply of water in accordance with the agreement and is bound by all the terms thereof and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

**Rates**

(2) Notwithstanding subsection 1 and notwithstanding anything in the agreement, the Municipal Board, upon the application of the Regional Council or the council of the municipality to which the water is supplied, has jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement.

**Powers of area municipalities restricted**

**32.**—(1) No area municipality, after the 31st day of December, 1969, shall establish, maintain or operate any works for the production, treatment and storage of water.

(2) Nothing in this section limits the powers of an area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Regional Corporation. <sup>Proviso</sup>

**33.**—(1) No municipality or local board thereof that is supplied with water by the Regional Corporation shall supply or agree to supply any of such water beyond the limits of the municipality without the approval of the Regional Council. <sup>Supply beyond limits of local municipality</sup>

(2) Nothing in subsection 1 prohibits an area municipality or local board from supplying water to another municipality where by an agreement entered into before the 15th day of October, 1969, which by reason of an amalgamation or annexation under this Act the area municipality or local board is obligated to supply such water and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Regional Corporation. <sup>Proviso</sup>

**34.**—(1) The Regional Council may pass by-laws for regulating the time, manner, extent and nature of the supply of water from the regional waterworks system, and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Regional Corporation with regard to the water so supplied. <sup>Regulation of supply, etc.</sup>

(2) Where, immediately before the 1st day of January, 1970, the water supply in any area in the Regional Area was fluoridated as a result of an affirmative vote of the electors to a question submitted to the electors under section 2 of *The Fluoridation Act, 1960-61*, the Regional Corporation may continue to fluoridate the water supply to such area. <sup>Continuation of fluoridation of water supply in area 1960-61, c. 30</sup>

**35.** The Regional Council may pass by-laws for the maintenance and management of the regional waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality. <sup>Maintenance, management, etc.</sup>

**36.**—(1) The Regional Council may pass by-laws fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable. <sup>Rates</sup>

Idem

(2) In fixing the rates, the Regional Council may use its discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to one or more of the area municipalities.

Self-sustaining

(3) The Regional Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.

R.S.O. 1960,  
c. 274, s. 53,  
subs. 1, cl. k,  
not  
applicable

(4) Clause *k* of subsection 1 of section 53 of *The Ontario Municipal Board Act* does not apply with respect to water supplied by the Regional Corporation to an area municipality.

Retail sale prohibited

**37.**—(1) The Regional Corporation shall supply water to the area municipalities, but, subject to subsection 2, shall not supply water to any other person.

Sale to other municipalities

(2) The Regional Corporation may enter into a contract for the supply of water to any local or regional municipality outside the Regional Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Books and accounts

**38.** The Regional Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities in respect of the regional waterworks system in such manner as may be prescribed by the Department.

Application  
of revenues  
R.S.O. 1960,  
c. 335

**39.**—(1) Notwithstanding anything in *The Public Utilities Act* or any other general or special Act, the revenues in respect of the regional waterworks system shall be applied only for,

- (a) the reduction of any indebtedness assumed or incurred with respect to the system;
- (b) the operation, maintenance, renewal, improvement or extension of the system;
- (c) the establishment of such reserve funds as the Regional Council may deem proper, to be used at any future time for any purpose mentioned in clause *a* or *b* or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Regional Corporation.

(2) It is not necessary to levy any rate to provide for principal, interest or other payments on account of any debentures issued or any debt assumed by the Regional Corporation for the purposes of the regional waterworks system except to the extent that the revenues from the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures or debt. Where levy unnecessary

(3) The moneys forming part of a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund. Reserve fund  
R.S.O. 1960,  
c. 408

(4) The moneys forming part of a reserve fund established under subsection 1 shall be applied or expended only for the purposes of the regional waterworks system. Application of reserve fund

**40.**—(1) Subject to section 47, the Regional Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the regional waterworks system, that, in the opinion of the Regional Council, is no longer required for the purposes of the waterworks system, but where the property is actually used for the purposes of the waterworks system no such sale, lease or other disposition shall be made without the approval of the Municipal Board. Disposal of property

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues in respect of the regional waterworks system. Proceeds

**41.**—(1) The Regional Corporation is not liable for damages caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown, or when it is necessary in maintaining or extending the system, but the Regional Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water. Temporary shut-offs

(2) Where the supply of water by the Regional Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done No breach of contract



under this subsection shall be deemed to be a breach of contract or entitle any person to rescind any contract or release any guarantor from the performance of his obligation.

Standards  
for local  
systems

**42.**—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws.

Approval  
of local ex-  
tensions and  
connections

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect the works or any part thereof to any work or main of the Regional Corporation without the approval of the Regional Council.

Appeal

**43.** If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct any extension of the regional distribution system;
- (c) to maintain or increase the supply of water to the area municipality;
- (d) to approve the construction or extension of any local water distribution works by the area municipality; or
- (e) to permit the connection or the continuance of a connection to the regional system,

the council may appeal to the Municipal Board which may make such order as it deems advisable in the matter, and the decision of the Municipal Board is final.

Payment of  
charges

**44.**—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality to the Regional Corporation, and the treasurer of every area municipality shall pay the same to the financial officer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council.

Discounts  
and  
penalties

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for

water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate not exceeding one-half of 1 per cent for each month or fraction thereof while such default continues.

**45.** The Regional Corporation has, in respect of all works and trunk distribution mains assumed as part of the regional waterworks system, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed. Transfer of rights over works assumed

**46.** Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works for the distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. Inspection of local works

**47.** Where a distribution main has been assumed by the Regional Corporation under section 30 and, in the opinion of the Regional Council, is no longer required for the purposes of the regional waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Regional Council shall by by-law remove the main from the regional waterworks system and transfer it and all rights and obligations relating thereto to the area municipality. Reversion where mains no longer required

**48.** The works and mains assumed by the Regional Corporation under section 30, together with any extensions or additions thereto constructed by the Regional Corporation may be used by the Regional Corporation for the purpose of supplying and distributing water to any or all of the area municipalities and, subject to subsection 2 of section 37, to any local or regional municipality outside the Regional Area. Use of regional works

**49.** This Part comes into force on the day this Act receives Royal Assent. Commencement of Part

## PART IV

## REGIONAL SEWAGE WORKS

Interpre-  
tation**50.**—(1) In this Part,

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes, or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) “sewer system” means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) “treatment works” means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) “work” means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

Idem

(2) For the purpose of this Part, a sewer, sewer system or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council.

General  
powers

**51.**—(1) For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Regional

Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area.

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional sewage works to a public utilities commission.

Sewage works  
utilities  
commission  
prohibited

**52.** The Regional Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses.

Construction, etc.,  
of trunk  
sewage  
works

**53.**—(1) The Regional Council shall, before the 31st day of December, 1969, pass by-laws which shall be effective on the 1st day of January, 1970, assuming as regional sewage works all treatment works operated by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the Regional Corporation.

Assumption  
of treatment  
works

(2) The Regional Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1970.

Other  
works

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed.

Idem

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1969, and in that case the by-law becomes effective on the date provided therein.

Extension  
of time

(5) Where the Regional Corporation assumes a work or watercourse vested in an area municipality or local board,

Regional  
liability

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect



of such work or watercourse, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement work.

R.S.O. 1960,  
c. 223

**Default**

(6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

**Settling of  
doubts**

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

**Existing  
agreements**

**54.**—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

**Idem**

(2) Where any local municipality or a local board thereof within the Regional Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

**Termination**

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder.

**Powers  
of area  
municipi-  
palities  
restricted**

**55.**—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Regional Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Regional Council.

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1969, without the approval of the Regional Council. <sup>Idem</sup>

**56.** The Regional Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal. <sup>Regulation of system, etc.</sup>

**57.**—(1) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work, and at any time in respect of the assumption of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality. <sup>Special benefit</sup>

(2) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the Regional Corporation for the purposes of the area municipality. <sup>Debt payments</sup>

(3) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 380 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work. <sup>Raising of money by area municipality</sup>

**58.**—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a <sup>Connecting to regional works or water-courses</sup>

regional work or watercourse without the approval of the Regional Council.

Agreements  
with other  
municipalities

(2) The Regional Corporation may enter into a contract with any local or regional municipality outside the Regional Area to receive and dispose of sewage and land drainage from the local municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Inspection

(3) Any engineer or other officer of the Regional Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the regional work or watercourse.

Standards  
for local  
systems

**59.**—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a regional work or watercourse, and every area municipality and local board shall conform to such by-laws.

Approval  
of local  
extensions,  
etc.

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council.

Appeal

**60.** If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct, extend or improve any regional work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work;
- (e) to permit a connection or the continuance of a connection to any regional work,

the council may appeal to the Municipal Board, which may make such order as it deems advisable in the matter, and the decision of the Municipal Board is final.



**61.**—(1) The Regional Council may pass by-laws, providing for imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any regional work or works. Special sewage service rates

(2) All such charges constitute a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council. Idem

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 380 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality. Raising of money by area municipality R.S.O. 1960, c. 249

**62.** The Regional Council may contribute toward the cost to any area municipality of the separation of sanitary and storm sewers now in existence in the area municipality, the construction of which commenced on or after the 1st day of January, 1969, such amount as it deems proper, not exceeding 25 per cent of the total cost thereof to the area municipality. Contribution towards cost of separation of combined sewers

**63.** The Regional Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Regional Corporation and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed. Transfer of rights over works assumed

**64.** Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. Inspection of local works

**65.** Any works assumed by the Regional Corporation under section 53, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of receiving Use of regional works



and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 58, from any local or regional municipality outside the Regional Area.

Commence-  
ment of  
Part

**66.** This Part comes into force on the day this Act receives Royal Assent.

## PART V

### REGIONAL ROAD SYSTEM

Interpre-  
tation

**67.** In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "Department" means the Department of Highways;
- (d) "maintenance" includes repair;
- (e) "Minister" means the Minister of Highways;
- (f) "road authority" means a body having jurisdiction and control of a highway.

County  
roads to  
constitute  
regional  
road system  
until  
established  
by by-law

**68.**—(1) On and after the 1st day of January, 1970, all roads under the jurisdiction and control of the County of Lincoln and the County of Welland on the 31st day of December, 1969, shall constitute the regional road system until a by-law passed under subsection 3 is in force and is effective.

Adding or  
removing  
roads by  
by-law

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality as may be agreed upon between the Regional Council and the council of the municipality.

By-law  
establishing  
system

(3) A by-law shall be passed under subsection 2 and submitted not later than the 31st day of March, 1970, to the Minister for approval by the Lieutenant Governor in Council, which by-law shall establish the regional road system and designate the roads to be included in and those removed from the regional road system as constituted under subsection 1.

Transfer of  
provincial  
highway to  
Regional  
Corporation

(4) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Department within the Regional Area to the Regional Corporation

and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of *The Highway Improvement Act*.

R.S.O. 1960,  
c. 171

(5) While a road or a part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold of such road or part is vested in the Regional Corporation.

Vesting of  
roads in  
Regional  
Corporation

(6) The Lieutenant Governor in Council may remove any road from the regional road system.

Removal of  
roads from  
regional  
road system

(7) Where a road or part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 79, such road or part is thereupon transferred to and jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Roads  
removed  
from  
system

(8) The Regional Council shall on or before the 1st day of May, 1975, pass a by-law consolidating all by-laws relating to the regional road system and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Consolidat-  
ing by-law

(9) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council.

Approval of  
by-laws

**69.—**(1) The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Plan of  
construction  
and  
maintenance

(2) The Regional Corporation shall submit a by-law covering the estimated expenditure on regional roads for the calendar year to the Department for the Minister's approval, not later than the 31st day of March of the year in which the expenditure is to be made.

Submission  
of by-law  
covering  
estimated  
expenditure

Supple-  
mentary  
by-law

(3) The Regional Corporation may, within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on regional roads supplementing the by-law submitted under subsection 2.

Subsidy

(4) No subsidy shall be granted by the Department for work undertaken by the Regional Corporation that has not been provided for by a by-law duly approved by the Minister.

Information  
to Minister

**70.** Where the Regional Corporation proposes the construction, improvement or alteration of a regional road it shall furnish the Minister with such detailed information as he may require.

Annual  
statement  
to Minister

**71.—(1)** The Regional Corporation shall annually, and may, with the consent of the Minister at any time during the year, submit to the Minister,

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the person appointed under section 92 that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the financial officer of the Regional Corporation that the statement of receipts and expenditures is correct; and
- (d) a request for the payment of the grant, authorized by resolution of the Regional Council.

Payment to  
Regional  
Corporation

(2) Upon receipt of the statement, declarations and request and the approval thereof by the proper officer of the Department, the Minister may direct payment to the financial officer of the Regional Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Advance  
payments

(3) Notwithstanding subsection 2 but subject to section 69, the Minister may, in his discretion, direct payment to the Regional Corporation under this section on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

(a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or

(b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

(4) Notwithstanding subsection 2, where a plan of construction and maintenance of the regional road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs and the financial capability of the Regional Corporation, direct payment to the financial officer of the Regional Corporation out of the moneys appropriated therefor by the Legislature of such amount as he deems requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Payment  
for road  
improvement

(5) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Contribution  
towards  
expenditures

**72.** The roads forming part of the regional road system shall be maintained and kept in repair by the Regional Corporation, and in all cases the Minister shall determine the amount of the expenditure for construction or maintenance or for the purchase or maintenance of road machinery, plant and equipment that is properly chargeable to road improvement, and his decision is final.

Expenditure  
for construction,  
maintenance  
or repair

**73.** The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Lincoln or The Corporation of the County of Welland or the corporation of the area municipality or the corporations of two or more area municipalities or the corporation of any suburban roads commission which had jurisdiction over the roads before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the County of Lincoln or the County of Welland or the area municipality or municipalities or suburban roads commission, as the case may be, might have done if the roads had not become part of the regional road system.

Powers  
over roads  
assumed



Sidewalks  
excepted

**74.**—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any regional road or portion thereof, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 443 of *The Municipal Act*, in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1960,  
c. 249

Area muni-  
cipalities  
may con-  
struct  
sidewalks,  
etc.

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road and the Regional Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council.

How cost  
provided

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

R.S.O. 1960,  
c. 223

Area muni-  
cipality to  
conform to  
requirements  
and be  
responsible  
for  
damages

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

R.S.O. 1960,  
c. 171, s. 100,  
subs. 4,  
not to  
apply

(5) Subsection 4 of section 100 of *The Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

Installation  
of traffic  
control  
devices

**75.**—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than the King's Highway, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon, entering or leaving a regional road.

Relocation  
of inter-  
secting  
roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Department, entering or touching upon or giving access to a regional road.

Approval

(3) No road shall be relocated, altered or diverted under subsection 2 without the approval of the area municipality in which the road is located, which approval may be granted

upon such terms and conditions as may be agreed upon, or failing such approval or agreement, the approval of the Municipal Board.

(4) The Municipal Board, before giving its approval under subsection 3, shall hold a public hearing and shall give or cause to be given at least ten days notice of the hearing to the clerk of the area municipality concerned and to such other persons in such manner as the Municipal Board may direct and the Municipal Board, as a condition to giving any such approval, may by its order impose such restrictions, limitations and conditions respecting the relocation, alteration or diversion of such road as to the Municipal Board may appear necessary or expedient. Hearing, etc.

(5) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*. Construction of storm sewer, etc., on area municipality road R.S.O. 1960, c. 223

**76.** Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road intersected is a part of the regional road system. Intersection of other roads by regional road

**77.** When land abutting on a regional road is dedicated for highway purposes for, or apparently for, the widening of the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. Dedication of lands abutting regional roads for widening purposes

**78.—(1)** The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 68 by assuming such new roads as part of the regional road system and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*. New roads R.S.O. 1960, c. 249

(2) On and after the 1st day of January, 1970, the Regional Corporation is authorized to enter into agreements with the Minister under section 94a of *The Highway Improvement Act* with respect to roads within the Regional Area and thereafter no area municipality shall enter into such agreements, and all Agreements re controlled-access highways R.S.O. 1960, c. 171

such agreements entered into before such date by a local municipality within the Regional Area shall thereafter be deemed to be agreements entered into by the Regional Corporation.

Powers and liabilities of Regional Corporation

**79.** With respect to the regional roads and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city under *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1960, cc. 249, 172

Erection of gasoline pump and advertising device near regional road

**80.**—(1) The Regional Council may, with respect to a regional road, by by-law prohibit or regulate the placing or erecting of,

(a) any gasoline pump within 150 feet of any limit of a regional road; and

(b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

By-laws of area municipalities regulating traffic

**81.**—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

Signal-light devices

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Contribution toward cost of signal-lights

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Traffic control within 100 ft. of regional roads

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional



road and where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

**82.** The Regional Council may by by-law empower the council of any area municipality to exercise the powers of the area municipality under section 469a of *The Municipal Act* in relation to the use of untravelled portions of regional roads within those portions of the area municipality in which land may be used for commercial or industrial purposes.

Use of untravelled portions of regional roads for parking  
R.S.O. 1960 c. 249

**83.** The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Agreements for pedestrian walks

**84.—**(1) Sections 452 and 454 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Disputes as to maintenance, etc., of bridges and highways,

(2) When there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Idem

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality, and in the case of the regional municipality the officer appointed under section 20, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order in regard to the same as it may deem

Hearing by O.M.B.



just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of  
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary  
bridges  
R.S.O. 1960,  
c. 249

**85.** Clause *b* of subsection 1 of section 419 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Idem

**86.** Section 434 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Restrictions

**87.**—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 30 of *The Planning Act*.

R.S.O. 1960,  
c. 296

Conflict  
with local  
by-law

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 30 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

Controlled-  
access  
roads

**88.**—(1) Subject to the approval of the Municipal Board, the Regional Council may by by-law designate any regional road, or any portion thereof, as a regional controlled-access road.

Closing  
municipal  
roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Notice of  
application  
for  
approval for  
closing  
road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to

such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it deems proper refusing its approval or granting its approval upon such terms and conditions as it deems proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of  
O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it deems proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Closing  
road

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the Regional Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Regional Corporation as it deems proper and may fix the amount of such costs.

Idem

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Regional Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may deem just.

Leave to  
appeal

Practice and  
procedure  
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Court of Appeal is final.

R.S.O. 1960,  
c. 274, s. 95,  
not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private  
roads, etc.,  
opening  
upon  
regional  
controlled-  
access road

**89.**—(1) The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Notice

(2) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under subsection 1.

Service of  
notice

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the second day following the mailing thereof.

Failure to  
comply  
with  
notice

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause or to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Offence

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

Compensa-  
tion

(6) Where a notice given under subsection 2 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 88 was constructed or used, as the case may be,

(a) before the day on which the by-law designating the road as a controlled-access road became effective; or

- (b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

**90.**—(1) Where the Regional Corporation assumes as a regional road any road in an area municipality,

Regional liability when road assumed

- (a) no compensation or damages shall be payable to the area municipality in which it was vested; and

- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement work.

R.S.O. 1960, c. 223

(2) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 1, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Default

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

Settling of doubts

**91.**—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify by registered mail the officer appointed under section 20.

Stopping up highways

(2) If the Regional Council objects to such stopping up, it shall so notify the council of the area municipality by registered mail within sixty days of the receipt of the notice under subsection 1 and the highway or part thereof concerned shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Agreement

**92.** The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the regional road system.

Appointment of roads commissioner  
R.S.O. 1960, c. 309



Application of R.S.O. 1960, c. 171 **93.** Sections 95, 97, 99, 102 and 105 of *The Highway Improvement Act* apply *mutatis mutandis* with respect to any regional road.

Commencement of Part **94.** This Part comes into force on the day this Act receives Royal Assent.

## PART VI

### PLANNING

Planning area R.S.O. 1960, c. 296 **95.**—(1) On and after the 1st day of January, 1970, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Niagara Planning Area.

Designated municipality (2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Niagara Planning Area.

Planning areas dissolved (3) All planning areas and subsidiary planning areas that are included in the Niagara Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1969.

Area municipalities subsidiary planning areas (4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1970 and each council thereof shall be the planning board.

Proviso (5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area.

Effect of official plan (6) When the Minister has approved an official plan adopted by the Regional Council,

(a) every official plan and every by-law passed under section 30 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith;

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

Planning duties of Regional Council **96.**—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Niagara Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Planning Area, and without limiting the generality of the foregoing it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Planning Area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the planning area in determining the solution of problems or matters affecting the development of the Planning Area; and
- (c) consult with any local board having jurisdiction within the Planning Area.

(2) The Regional Council, before the 31st day of December, 1973, shall prepare an official plan for the Regional Area. Official plan

(3) The Regional Council shall appoint such planning staff as may be deemed necessary. Appointment of planning staff

(4) The Regional Council may appoint such planning committees as it deems necessary. Appointment of committees

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 11, 12, 12a, 13, 14, 15, 16, 19, 23, 24, 25, 28, 33 and 34 of *The Planning Act*. Regional Corporation deemed municipality under R.S.O. 1960, c. 296

(6) The Regional Council shall be deemed to be a county for the purposes of section 31a of *The Planning Act*. Idem

(7) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision. Agreements re plans of subdivision

(8) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the Niagara Planning Area or any part thereof. Agreements re special studies

(9) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*. Delegation of Minister's powers

(10) All committees of adjustment heretofore constituted by the council of a local municipality in the Niagara Planning Area are hereby dissolved on the 31st day of December, 1969, Committees of adjustment

and the council of each area municipality shall forthwith after the 1st day of January, 1970, pass a by-law constituting and appointing a committee of adjustment under section 32a of *The Planning Act*.

Application  
of  
R.S.O. 1960,  
c. 296

**97.** Except as provided in this Part, the provisions of *The Planning Act* apply.

Commence-  
ment of  
Part

**98.** This Part comes into force on the day this Act receives Royal Assent.

## PART VII

### HEALTH AND WELFARE SERVICES

Liability for  
hospitaliza-  
tion of  
indigents  
R.S.O. 1960,  
cc. 322, 305

**99.**—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Existing  
liabilities  
transferred

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1969, of an indigent person or his dependant who was in hospital on the 31st day of December, 1969, and in respect of whom any local municipality within the Regional Area, the County of Lincoln, or the County of Welland was liable because the indigent person was a resident of such local municipality, the County of Lincoln or the County of Welland.

Proviso

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1970.

Hospitaliza-  
tion grant  
1970 under  
R.S.O. 1960,  
c. 259

(4) The 1970 indigent hospitalization grant payable under section 8a of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality, the County of Lincoln, and the County of Welland for purposes mentioned in such section 8a in the year 1969 and shall be paid to the Regional Corporation.

Aid to  
hospitals

**100.** The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the Regional Area and may issue debentures therefor.

**101.**—(1) On and after the 1st day of January, 1970, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply.

Regional Area deemed health unit R.S.O. 1960, c. 321

(2) The Niagara District Health Unit is hereby dissolved on the 1st day of January, 1970 and all the assets and liabilities thereof become assets and liabilities of the board of health of the health unit of the Regional Area.

Dissolution of Niagara District Health Unit

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Boundaries fixed

**102.**—(1) On and after the 1st day of January, 1970, the board of health of the health unit established under section 101 shall be composed of,

Constitution of health board

- (a) six members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

(2) The members of the board of health of the health unit appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Remuneration of certain members

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the health unit in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

Expenses of board

**103.** For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

Regional Corporation deemed city under 1967, c. 3  
1966, c. 37  
R.S.O. 1960, cc. 164, 173,  
236, 359, 425

1. *The Anatomy Act, 1967.*
2. *The Day Nurseries Act, 1966.*
3. *The General Welfare Assistance Act.*
4. *The Homemakers and Nurses Services Act.*
5. *The Mental Hospitals Act.*
6. *The Sanatoria for Consumptives Act.*
7. *The War Veterans Burial Act.*



Liability  
respecting  
homes for  
the aged  
R.S.O. 1960,  
c. 174

**104.**—(1) The Regional Corporation shall be deemed to be a city for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Application

(2) Section 13 of *The Homes for the Aged and Rest Homes Act* applies in respect of applicants for admission to a home except that the authorization and statement in the prescribed forms referred to in clauses *e* and *h* of subsection 1 of such section 13 shall be signed by such person or persons as may be designated by resolution of the Regional Council.

Linhaven  
Home  
vested in  
Regional  
Corporation

**105.**—(1) The home for the aged established, erected and maintained jointly by the City of St. Catharines and the County of Lincoln, known as Linhaven Home for the Aged, and all real and personal property used for the purposes of such home, are vested in the Regional Corporation on the 1st day of January, 1970, and, subject to subsection 3 no compensation or damages shall be paid to the City in respect thereof.

Sunset  
Haven and  
Northland  
Manor  
vested in  
Regional  
Corporation

(2) The home for the aged, known as Sunset Haven Home for Senior Citizens, and the rest home, known as Northland Manor, established, erected and maintained jointly by the City of Niagara Falls, the City of Welland, the City of Port Colborne and the County of Welland, and all real and personal property used for the purposes of such homes, are vested in the Regional Corporation on the 1st day of January, 1970, and, subject to subsection 3, no compensation or damages shall be paid to such cities in respect thereof.

Existing  
debt

(3) The Regional Corporation shall pay to any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality, in respect of the homes referred to in subsections 1 and 2.

Default

(4) If the Regional Corporation fails to make any payments required by subsection 3, the area municipality which has not received its due payment may charge the Regional Corporation interest at the rate of one half of one per cent for each month or portion thereof that the payment is overdue.

Settling  
of doubts

(5) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of a home referred to in subsections 1 and 2, the Municipal Board, upon application, may determine the matter and its decision is final.

**106.** No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act, 1965* and the Regional Corporation shall be deemed to be a metropolitan municipality for the purposes of such Act and a city for the purposes of subsection 2 of section 45 of such Act. Regional Corporation deemed Metropolitan municipality under 1965, c. 14

**107.** The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1970, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section. Existing liabilities transferred

**108.** Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be deemed to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality. Liability under order made under R.S.C. 1952, c. 160

**109.** Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. Information

**110.** In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. Adjustments

**111.**—(1) The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act, 1966*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. Grants, etc., to approved corporations under 1966, c. 65

(2) All rights and obligations of the municipalities that are parties to any agreement entered into under *The County of Welland Act, 1968* are hereby assumed by the Regional Corporation and no area municipality shall hereafter have any rights or obligations under any such agreement. Existing agreements 1968, c. 182

**112.** This Part comes into force on the 1st day of January, 1970. Commencement of Part

## PART VIII

## POLICE

Interpre-  
tation

**113.** In this Part, "Niagara Police Board" means the Niagara Regional Board of Commissioners of Police.

Area muni-  
cipality  
deemed city  
over 15,000

**114.**—(1) For the year 1970, each area municipality shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*.

R.S.O. 1960,  
c. 298Boards  
dissolved

(2) All boards of commissioners of police having jurisdiction in the Regional Area on the 31st day of December, 1969 are dissolved on the 1st day of January, 1970.

Boards  
to be  
constituted

(3) On the 1st day of January, 1970, a board of commissioners of police shall be constituted in accordance with subsection 2 of section 7 of *The Police Act* for the year 1970 for each area municipality.

Niagara  
Regional  
Board  
established

**115.**—(1) Notwithstanding *The Police Act*, on the 1st day of January, 1970, a board of commissioners of police shall be constituted to be known as the Niagara Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of the county court of the Judicial District of Niagara North or the Judicial District of Niagara South designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

Quorum

(2) Three members of the Niagara Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Remunera-  
tion

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act* to the members of the Niagara Police Board appointed by the Lieutenant Governor in Council and the members appointed by the Regional Council shall not be paid any remuneration except expenses incurred in carrying out their duties.

Estimates  
of area  
boards in  
1970

(4) The estimates for the year 1970 of the board of commissioners of police of each area municipality shall be submitted to the Niagara Police Board before the 1st day of February, 1970, and, upon receipt of the estimates of all such

boards, the Niagara Police Board shall consider the estimates and approve them in whole or in part and shall notify each such board of the extent to which its estimates have been approved.

(5) The Niagara Police Board shall submit to the Regional Council on or before the 1st day of March, 1970, its estimates including the aggregate of the estimates as approved under subsection 4. Estimates of Niagara Board in 1970

**116.** On and after the 1st day of January, 1971,

(a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*; and Regional Corporation deemed city under R.S.O. 1960, c. 298

(b) *The Police Act* does not apply to any area municipality.

**117.**—(1) For the year 1970, the cost of maintaining, operating and administering the police force in each area municipality shall be borne by the Regional Corporation. Cost of operating police

(2) At the request of the Niagara Police Board, the Regional Council in the year 1970 shall, subject to subsection 3 of section 13 of *The Police Act*, pass by-laws providing for imposing on and collecting from any area municipality a sum sufficient to pay the proportion of the estimates submitted by the Niagara Police Board under subsection 5 of section 115 that the amount of the estimates, as approved, of the board of the area municipality is of the total of the estimates, as approved, submitted under subsection 4 of section 115. Levy against area municipalities

(3) An area municipality may pay the amounts chargeable to it, Rates for cost of policing

(a) under a by-law passed under subsection 2; or

(b) in respect of maintaining, operating and administering the Niagara Regional Police Force under section 126,

out of its general funds or, subject to the approval of the Ontario Police Commission, by levying rates that are different between areas defined by the council or by levying rates in one or more such areas only.

(4) Subject to the approval of the Ontario Police Commission, the council of an area municipality may grant entire or partial exemption from any rate or rates levied under subsection 3 to lands and buildings used exclusively for farming purposes. Farm lands



Area police  
force

**118.**—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of July, 1969, and continues to be a member until immediately before the 1st day of January, 1970, shall, on the 1st day of January, 1970, become a member of the police force of the area municipality that includes the local municipality, and the provisions of subsections 2 to 5 of section 27 apply to such members, but no member shall receive in the year 1970 any benefits of employment less favourable than those he was receiving from the local municipality.

Niagara  
Regional  
Police Force

(2) Every person who is a member of a police force of an area municipality on the 31st day of December, 1970, becomes a member of the Niagara Regional Police Force on the 1st day of January, 1971, and is subject to the government of the Niagara Police Board to the same extent as if appointed by the Niagara Police Board.

Terms of  
employment

(3) Every person who becomes a member of the Niagara Regional Police Force under subsection 2 shall,

- (a) be deemed to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Niagara Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System;
- (b) have a retirement age of sixty years of age;
- (c) have credited to him in the Niagara Regional Police Force the total number of years of service that he had in the police forces of the local and area municipality;
- (d) receive such sick leave credits in the sick leave credit plan which shall be established by the Niagara Police Board as he had standing to his credit in the plan of the area municipality; and
- (e) not be assigned without his consent to serve on a permanent basis at a location in the Regional Area more than five miles distant from the area municipality in which he was formerly employed, provided that he was a permanent member of the police force of a local municipality in the Regional Area before the 1st day of July, 1969.

Bargaining

**119.** Before the 1st day of February, 1970, the members of the police forces of all area municipalities shall appoint a

joint bargaining committee to represent all police forces in the area municipalities to bargain with the Niagara Police Board in the manner and for the purposes provided in *The Police Act*, and the Niagara Police Board shall be the sole negotiating body to bargain with such committee. R.S.O. 1960,  
c. 298

**120.**—(1) The Regional Council shall, before the 1st day of January, 1971, pass by-laws which shall be effective on such date assuming for the use of the Niagara Police Board any such land or building that the Niagara Police Board may require that is vested on the 1st day of July, 1970, in any area municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that area municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation. Assumption  
of buildings

(2) No area municipality, before the 1st day of January, 1971, shall without the consent of the Niagara Police Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1. Sale by  
area  
municipalities  
limited

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1971, and in that case the by-law shall become effective on the date provided therein. Extension  
of time

(4) Where any part of a building mentioned in subsection 1 is used by the area municipality or a local board thereof for other than police purposes, the Regional Corporation may, Building  
not used  
exclusively  
for police  
force

(a) where practicable assume only the part of the building and land appurtenant thereto used for the purposes of the police force of the area municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with the area municipality or local board thereof for the use of a part of the building by the area municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Regional Corporation assumes any property under subsection 1 or 3, Regional  
Corporation  
liability

(a) no compensation or damage shall be payable to the area municipality or local board except as provided in this subsection;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation;

(c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1970, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

**Default**

(6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

**Accommodation**

(7) Where a building vested in an area municipality or local board is used partly by the police force of the area municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Niagara Police Board shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Niagara Police Board as was being provided by the area municipality for its police force on the 1st day of July, 1970, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

**Office supplies, etc.**

(8) At the request of the Niagara Police Board, each area municipality, for the use of the Niagara Police Board,

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1971, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of

the area municipality on the 1st day of January, 1971, on the same terms and to the same extent as the police force used the property before such date.

(9) No area municipality, without the consent of the Niagara Police Board, shall dispose of any personal property referred to in subsection 8 owned by the area municipality on the 1st day of July, 1970 or thereafter. Disposal of personal property

(10) All signal and communication systems owned by any area municipality and used for the purposes of the police force of the area municipality on the 1st day of July, 1970, or thereafter are vested in the Regional Corporation for the use of the Niagara Police Board on the 1st day of January, 1971, and no compensation shall be payable to the area municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system. Signal system transferred

(11) In the event of any doubt as to whether, Settling of doubts

(a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or

(b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

**121.** The Regional Corporation shall provide all real and personal property necessary for the purposes of the Niagara Police Board. Property to be provided

**122.** This Part comes into force on the 1st day of January, 1970. Commencement of Part

## PART IX

### FINANCES

**123.** In this Part, "rateable property" includes business and other assessment made under *The Assessment Act*. Interpretation R.S.O. 1960, c. 23

**124.** Section 302 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. Investment of moneys not immediately required R.S.O. 1960, c. 249



## YEARLY ESTIMATES AND LEVIES

Yearly  
estimates

**125.**—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe.

Allowance  
to be made  
in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Department may approve but shall not make any allowance for payments to be received during the current year under section 7 of *The Municipal Unconditional Grants Act*.

R.S.O. 1960,  
c. 259

Surplus or  
operating  
deficit of  
Regional  
Council

(3) The surplus or the operating deficit for which the Regional Council shall make due allowance in preparing the estimates for the year 1970 shall be determined by aggregating,

(a) the audited surplus or operating deficit of the County of Lincoln and the audited surplus or operating deficit of the County of Welland at the 31st day of December, 1969; and

(b) a sum equivalent to four per cent of the amounts of taxes levied for general municipal purposes in the City of Niagara Falls, the City of Port Colborne, the City of St. Catharines and the City of Welland during the year 1969.

Payment  
by cities

(4) The sum referred to in clause *b* of subsection 3 for each city shall be paid by the city to the Regional Corporation not later than the 30th day of June, 1970.

Levy on  
area muni-  
cipalities

**126.**—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities

for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law <sup>Apportionment</sup> direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

(3) Subject to subsection 10, all amounts levied under <sup>Idem</sup> subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

(4) The Department shall revise and equalize the last <sup>Equalized assessment</sup> revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Department shall be deemed to be the last revised assessment rolls of the area municipalities.

(5) Subsection 4 shall cease to apply on a date to be <sup>When subs. 4 ceases to apply</sup> determined by order of the Minister.

(6) Upon completion by the Department of the revision and equalization of assessment, the Department shall notify <sup>Copy to Regional Corporation and area municipality</sup> the Regional Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality.

(7) If any area municipality is not satisfied with the <sup>Appeal</sup> assessment as revised and equalized by the Department, the area municipality may appeal from the decision of the Department by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Department.

(8) Every notice of revision and equalization made under <sup>Idem</sup> this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization.

(9) Where the last revised assessment of the area municipality has been revised and equalized by the Department and has been appealed, the Regional Council shall forthwith <sup>Amendment of by-law where necessary following appeal</sup> after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the financial officer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the financial officer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the financial officer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed  
assessments,  
etc., not  
to apply

R.S.O. 1960,  
c. 23

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 39 of *The Assessment Act* or partial or total exemption from assessment or taxation applies thereto, except as provided in section 4 of *The Assessment Act*.

Assessment  
upon which  
levy appor-  
tioned to  
include  
valuations  
on prop-  
erties for  
which pay-  
ments in  
lieu of taxes  
paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality.

Valuations  
of properties  
in respect  
of which  
grants in  
lieu of taxes  
received

(12) The clerk of an area municipality shall transmit to the Department, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Department shall revise and equalize the valuations, and shall thereupon notify the Regional Corporation of the revised and equalized valuations.

Levy  
by-laws

(13) One by-law or several by-laws for making the levies may be passed as the Regional Council may deem expedient.

Regional  
levy

(14) Subject to subsections 5, 6 and 7 of section 57 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the financial officer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2. Payment

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

**127.** In sections 128 and 130,

Residential  
and com-  
mercial  
assessment  
defined

(a) "commercial assessment" means the total of,

- (i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan or regional corporation or local board thereof, and
- (ii) the business assessment, and
- (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies, and the assessment of lands not liable for business assessment under subsection 2 of section 9 of *The Assessment Act*, R.S.O. 1960,  
c. 23

according to the last revised assessment roll;

(b) "residential assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a.

**128.—**(1) Any moneys received by the Regional Corporation under section 7 of *The Municipal Unconditional Grants Act* shall be credited to each of the area municipalities in the proportion that the residential assessment of each such area municipality bears to the residential assessment of the Regional Area. Credit of  
payments  
under  
R.S.O. 1960,  
c. 259. s. 7



Credits  
to be  
included in  
estimates

(2) Where the amount credited to an area municipality under subsection 1 is less than the amount specified in the Schedule to this section, the Regional Council shall credit to that area municipality a sum sufficient to increase the amount credited under subsection 1 to the amount specified in the Schedule, and the Regional Council shall include such sum in the estimates to be adopted under subsection 1 of section 125.

Rates

R.S.O. 1960,  
c. 249

(3) The council of each area municipality shall levy, as provided by this section, the sums adopted for general purposes in accordance with section 297 of *The Municipal Act*, together with a sum equal to the aggregate of the sums required by law to be provided by the council for the Regional Corporation or any board, commission or other body, but not the sums required to be levied under section 130 of this Act.

Equaliza-  
tion of  
assessment  
of merged  
areas

(4) The Department shall revise and equalize, by the application of the latest equalization factors of the Department, each part of the last revised assessment rolls of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and equalized is final and binding.

Notice

(5) Upon completion by the Department of the revision and equalization of assessment in an area municipality under subsection 4, the Department shall notify the area municipality of the revised and equalized assessment.

Levy on  
commercial  
assessment

(6) The amount to be raised by an area municipality in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied in accordance with subsection 3 that the commercial assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 4.

Levy on  
residential  
assessment

(7) The amount to be raised by an area municipality in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum levied under subsection 3 that the residential assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 4, reduced by the sum equal to the estimated amount credited to the area municipality in accordance with subsections 1 and 2.

Apportion-  
ment among  
merged  
areas

(8) The sums levied under subsection 3 shall be apportioned among the merged areas of each area municipality in the following manner:

Commercial

1. The amount, as ascertained in accordance with subsection 6, to be raised by the area municipality in

each year by levy on the commercial assessment shall be apportioned among the merged areas in the proportion that the total commercial assessment in each merged area bears to the total commercial assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 4.

2. The amount, as ascertained in accordance with sub-<sup>Residential</sup>section 7, to be raised by the area municipality in each year by levy on the residential assessment shall be apportioned among the merged areas in the proportion that the total residential assessment in each merged area bears to the total residential assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 4.

(9) The council of the area municipality shall levy on the whole of the commercial assessment in each merged area, according to the last revised assessment roll, the amount <sup>Levy on commercial assessment in merged areas</sup> ascertained for that merged area in accordance with paragraph 1 of subsection 8.

(10) The council of the area municipality shall levy on the whole of the residential assessment in each merged area, according to the last revised assessment roll, the amount <sup>Levy on residential assessment in merged areas</sup> ascertained for that merged area in accordance with paragraph 2 of subsection 8.

(11) The provisions of subsections 3, 4, 5, 6, 7, 8, 9 and 10 <sup>When provisions cease to apply</sup> of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 126.

## SCHEDULE

Area Municipality	Amount
Town of Beamsville.....	\$ 75,000
Town of Fort Erie.....	125,000
Town of Grimsby.....	79,500
City of Niagara Falls.....	377,500
Town of Niagara-on-the-Lake.....	72,000
Town of Pelham.....	47,500
City of Port Colborne.....	127,500
City of St. Catharines.....	617,000
Town of Thorold.....	94,000
Township of Wainfleet.....	27,000
City of Welland.....	256,500
Township of West Lincoln.....	39,000

Levy by  
Regional  
Council  
before  
estimates  
adopted

**129.**—(1) Notwithstanding section 126, in the year 1970 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1969 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 126, and subsections 15 and 16 of section 126 apply to such a levy.

Idem

(2) Notwithstanding section 126, in 1971 and subsequent years the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 15 and 16 of section 126 apply to such a levy.

Levy under  
s. 126 to be  
reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 126.

Levy by  
area muni-  
cipality  
before  
estimates  
adopted

(4) Notwithstanding section 128, until the date determined by the Minister under subsection 5 of section 126, the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Business  
assessment

R.S.O. 1960,  
c. 23

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied under section 130 of *The Assessment Act*, the council, notwithstanding section 128, until the date determined by the Minister under subsection 5 of section 126, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 128. Levy under s. 128 to be reduced

(7) Subsection 3 of section 294a of *The Municipal Act* applies to levies made under this section. Application of R.S.O. 1960, c. 249, s. 294a, subs. 3

(8) Section 294a of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 126. R.S.O. 1960, c. 249, s. 294a not to apply

**130.**—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each of such merged areas. Rates under R.S.O. 1960, c. 368

(2) The amounts required to be levied and collected by an area municipality for public school purposes on commercial assessment and residential and farm assessment as determined under section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total assessment for public school purposes in each merged area bears to the total assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128. Rates for public school purposes R.S.O. 1960, c. 361

(3) The amounts required to be levied and collected by an area municipality for secondary school purposes on commercial assessment and residential and farm assessment as determined under section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total assessment for secondary school purposes in each merged area bears to the total assessment for secondary school purposes in the area municipality both as equalized by the Department in accordance with subsection 4 of section 128. Rates for secondary school purposes

(4) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 126. Application of section

**131.**—(1) For the period from the 31st day of December, 1969, to the 1st day of January, 1975 the Minister may, for each year by order, provide that in such year the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this subsection. Transitional adjustments



Amounts of adjustments to be included in estimates

(2) The Regional Council shall include in the estimates to be adopted in accordance with subsection 1 of section 125 for each year specified by the Minister under subsection 1 of this section the amounts of the adjustments in the tax levy in any area municipality as a result of an order under subsection 1 of this section and shall make a corresponding adjustment in the amount levied on each such area municipality under subsection 1 of section 126.

Area municipality treasurers to certify adjustments

(3) The treasurer of each of the area municipalities in respect of which the Minister has made an order under subsection 1 in each of the years specified shall, before the adoption of estimates by the Regional Council, certify to the financial officer of the Regional Corporation the amount of the adjustment of tax in each of the merged areas in the area municipality under subsection 1.

Allowances to be made in estimates of area municipalities in 1970  
R.S.O. 1960, c. 249

**132.**—(1) For the purpose of subsection 2 of section 297 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1970 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Merged areas

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1970, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1969.

Idem

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1970, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Audited surpluses or operating deficits of certain cities

(4) For the purpose of this section and section 134, the audited surplus or operating deficit of each of the cities of Niagara Falls, Port Colborne, St. Catharines and Welland at the 31st day of December, 1969, shall be that part of the audited surplus or operating deficit of the city that does not form part of the surplus or operating deficit of the Regional Corporation as required by subsection 3 of section 125.

## RESERVES

**133.** Where, under subsection 2 of section 297 of *The Municipal Act*, the County of Lincoln or the County of Welland or a local municipality has established reserves, those reserves shall become the reserves of the Regional Corporation and the area municipalities in the same manner and in the same proportions as the audited surpluses or operating deficits of the County of Lincoln and the County of Welland and of such local municipalities at the 31st day of December, 1969, become the surpluses or operating deficits of the Regional Corporation and the area municipalities.

Reserves of regional and area municipality  
R.S.O. 1960, c. 249

## ADJUSTMENTS

**134.**—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 297 of *The Municipal Act*.

Interpretation

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1969, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 3, shall be provided for by adjustment of the tax rate in the year 1970.

Surplus or deficit at December 31, 1969 to be applied to supporting assessment

(3) Where, in the opinion of the Minister, the operation of this section would cause substantial hardship to the taxpayers in a particular merged area within any area municipality he may, by order, provide that the necessary adjustment in the tax rate be made over a period of not more than five years.

Adjustments may be spread over five years by order

**135.**—(1) The Minister may, on or before the 1st day of September, 1969, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of Crowland, the Township of Humberstone, the Township of Louth, the Township of Thorold and the Township of Willoughby.

Arbitration

(2) Such committees shall consist of the treasurers of municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds including the treasurers of the divided municipality whose assets, liabilities or reserve funds are to be considered, and such other person or persons as the Minister may appoint.

Idem

(3) Before the 31st day of December, 1969, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1970.

Provisional determination

Final determination

(4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1969, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 10 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1960,  
c. 249

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Substantial hardship

(7) Where, in the opinion of the Minister, any financial settlement arising from the application of this section would cause substantial hardship to the taxpayers of an area municipality, he may, by order, provide that such settlement be made over a period not exceeding five years.

Documents and records of divided municipalities

(8) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality to which the greater or greatest portion of the assessment of the divided municipality, according to the latest revised assessment roll, is transferred, and such documents and records shall be made available to any official of any area municipality to which any other portion of the assessment of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

#### RESERVE FUNDS

Reserve funds of municipalities

**136.**—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Idem

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the



councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

**137.**—(1) The Regional Council may in each year, if <sup>Reserve funds</sup> authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment <sup>Investments and income</sup> <sup>R.S.O. 1960, c. 408</sup> of such moneys form part of the reserve fund.

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any <sup>Expenditure of reserve fund moneys</sup> purpose other than that for which the fund was established without the approval of the Department.

(4) The auditor in his annual report shall report on the <sup>Auditor to report on</sup> activities and position of each reserve fund established under <sup>reserve funds</sup> subsection 1.

#### TEMPORARY LOANS

**138.**—(1) The Regional Council may by by-law, either <sup>Current borrowings</sup> before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and financial officer to borrow from time to time by way of promissory note such sums as the Regional Council may deem necessary to meet, until the levies are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

(2) The amount that may be borrowed at any one time for <sup>Limit upon borrowings</sup> the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.



Temporary  
application  
of estimates  
of preceding  
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1970 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Municipal Board.

Protection  
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution  
of promissory  
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the financial officer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation  
of charge

(6) The Regional Council may by by-law provide or authorize the chairman and financial officer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received; provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution  
of  
agreements

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and financial officer.

Penalties  
for excess  
borrowings

(8) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty for  
misapplication  
of  
revenues by  
Regional  
Council

(9) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for  
misapplication  
of  
revenues by  
officials

(10) If any member of the Regional Council or officer of the Regional Corporation applies any revenues so charged other-

wise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(11) Subsections 8, 9 and 10 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Department of Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

Saving as to penalties

R.S.O. 1960, c. 98

#### DEBT

**139.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

Debt R.S.O. 1960, c. 274

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Liability

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1969, power to issue debentures.

Limitation

(4) When an area municipality, prior to the 31st day of December, 1969,

Uncompleted works

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1960, c. 274

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 142, and no further approval of the Municipal Board is required.

Bonds,  
debentures,  
etc.,  
trustee  
investments  
R.S.O. 1960,  
c. 408

- (5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

Power to  
incur debt  
or issue  
debentures  
R.S.O. 1960,  
c. 274

**140.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 139 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Idem

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

R.S.O. 1960,  
c. 274

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Hearing

R.S.O. 1960,  
c. 274

**141.**—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 64 of *The Ontario Municipal Board Act* on the application of the Regional Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter.

Notice

(2) Notice of the hearing shall be given to the officer of the Regional Corporation appointed under section 20 and

to the clerk of each area municipality in such manner as the Municipal Board may direct.

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation. <sup>Dispensation with hearing</sup>

(4) The Municipal Board may direct that an applicant <sup>Idem</sup> give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the Regional Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and, if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing.

**142.**—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council <sup>Borrowing pending issue and sale of debentures</sup> pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council <sup>Idem</sup> pending the issue and sale of the debentures may, and on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 <sup>Interest on proceeds transferred</sup> at a rate sufficient to reimburse it for the cost of such advance or loan.

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to <sup>Application of proceeds of loan</sup>



see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 154, shall be transferred to the area municipality.

Hypothecation not to prevent subsequent sale of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal and interest payments

**143.**—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When debentures to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy against area municipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by area municipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation. Levies a debt

(8) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or vice versa and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. By-law to change mode of issuing debentures

(9) All the debentures shall be issued at one time and within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law. Debentures when to be dated and issued

(10) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date. Date of debentures

(11) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year. Idem

(12) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law. Extension of time for issue

(13) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set. Application after time expired

Effective  
date

(14) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Consolida-  
tion

(15) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consol-  
idating  
debenture  
by-laws  
R.S.O. 1960,  
c. 249

(16) Section 283 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Redemption  
before  
maturity

(17) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption, and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments

are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(18) The by-law may provide that the debentures to be <sup>Currency</sup> issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;  
or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain.

(19) Where under the provisions of the by-law debentures <sup>Annual</sup> issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(20) When sinking fund debentures are issued, the amount <sup>Principal</sup> of principal to be raised in each year shall be a specific sum <sup>levies</sup> which, with the estimated interest at a rate not exceeding  $3\frac{1}{2}$  per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

(21) When sinking fund debentures are issued, the sinking <sup>Consol-</sup> fund committee shall keep one or more consolidated bank <sup>accounts</sup> accounts in which,

- (a) the financial officer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.



Sinking  
fund  
committee

(22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the financial officer of the Regional Corporation and two members appointed by the Lieutenant Governor in Council, and the two appointed members shall be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Lieutenant Governor in Council may determine.

Alternate  
members

(23) The Lieutenant Governor in Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

Chairman

(24) The financial officer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(25) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 234 of *The Municipal Act* apply with respect to such security.

R.S.O. 1960,  
c. 249

Quorum

(26) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Control of  
sinking  
fund  
assets

(27) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

With-  
drawals  
from bank  
accounts

(28) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Investments

(29) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

Idem

(30) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1960,  
c. 408

(a) in securities in which a trustee may invest under *The Trustee Act*;

- (b) in debentures of the Regional Corporation;
- (c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;
- (d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

(31) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Deposit of  
securities  
with  
Treasurer of  
Ontario

(32) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 31 only upon the direction in writing of the sinking fund committee.

Release of  
securities  
by  
Treasurer of  
Ontario

(33) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Sinking  
fund  
accounts

(34) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by,

Earnings  
credited to  
sinking  
fund  
account

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 20 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 20 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account, mentioned in clause *a*.

(35) The financial officer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Sinking  
fund  
require-  
ments

## Offence

(36) If the financial officer of the Regional Corporation contravenes subsection 21 or 35, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

## Failure to levy

(37) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

## Where amount in sinking fund account more than sufficient to pay debt

(38) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

## No diversion of sinking funds

(39) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

## Surplus

(40) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
  - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
  - (ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
  - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(41) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 40. Deficit and surplus

**144.**—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for, When rate of interest may be varied

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 142 shall not constitute a sale or other disposal thereof. Hypothecation not a sale under this section

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder. Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such Special assessment and levies



special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council.

Repeal of  
by-law  
when  
part only of  
money to be  
raised

**145.**—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

When  
to take  
effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until  
debt paid  
certain  
by-laws  
cannot be  
repealed

**146.**—(1) Subject to section 145, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Application  
of payments

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the money so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for  
neglect of  
officer to  
carry out  
by-law

**147.** Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money  
by-laws  
may be  
registered

**148.**—(1) Within four weeks after the passing of a money by-law, the officer appointed under section 20 may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the Registry Offices for the Registry Divisions of the Judicial Districts of Niagara North and of Niagara South.

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act, 1962-63* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be.

Application to quash registered by-law, when to be made R.S.O. 1960, c. 274  
1962-63, c. 39  
R.S.O. 1960, c. 223

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Dismissal of application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 140, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 143 have not been substantially complied with.

Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Failure to register

**149.**—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the financial officer.

Debentures, how sealed and executed

Interest  
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the financial officer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the financial officer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical  
repro-  
duction of  
signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the financial officer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of  
mechanical  
repro-  
duction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the financial officer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the financial officer, as the case may be, and is binding upon the Regional Corporation.

Sufficiency  
of  
signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures  
on which  
payment  
has been  
made for  
one year to  
be valid

**150.** Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Mode of  
transfer  
may be  
prescribed

**151.—**(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the financial officer of this Corporation



(or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....  
 .....  
 of .....

the financial officer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the financial officer.

Require-  
ments as to  
endorsing  
certificate of  
ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer  
by entry in  
Debenture  
Registry  
Book

**152.** Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replace-  
ment of lost  
debentures

**153.**—(1) On request of the holder of any debenture issued by the Regional Corporation, the financial officer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of  
debentures



On request  
of sinking  
fund  
committee

(2) On the request of the sinking fund committee, the financial officer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

New  
debentures  
of same  
force and  
effect as  
debentures  
surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures  
surrendered  
for exchange  
to be  
cancelled

(4) The financial officer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application  
of proceeds  
of  
debentures

**154.**—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation, to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

**155.** Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 154 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

**156.** When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

**157.—(1)** The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
  - (i) an additional account for the interest, if any, and
  - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated  
interest  
account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application  
of surplus  
money

**158.** If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

Liability of  
members

**159.**—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by  
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Disqual-  
ification

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing  
of  
debentures

**160.** When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption;

- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

**161.** The amount of the indebtedness of any area municipality at any one time for the purpose of *The Tile Drainage Act* shall not exceed the amounts stated in the Schedule to this section. Indebtedness for tile drainage R.S.O. 1960, c. 399

## SCHEDULE

Area Municipality	Amount of Indebtedness
Town of Beamsville.....	\$1,324,000
Town of Fort Erie.....	1,645,000
Town of Grimsby.....	1,000,000
City of Niagara Falls.....	1,625,000
Town of Niagara-on-the-Lake.....	1,000,000
Town of Pelham.....	1,022,000
City of Port Colborne.....	790,000
City of St. Catharines.....	677,000
Town of Thorold.....	964,000
Township of Wainfleet.....	500,000
City of Welland.....	957,000
Township of West Lincoln.....	1,300,000

**162.**—(1) This Part, except section 135, comes into force on the 1st day of January, 1970. Commencement of Part

(2) Section 135 comes into force on the day this Act receives Royal Assent. Idem

## PART X

### GENERAL

**163.**—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248*b* and 250*a*, paragraphs 3 and 22 of section 377 and section 410 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1960, c. 249

(2) For the purposes of subsection 2 of section 482 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be deemed to be by-laws passed by the council of a city. Deemed city under R.S.O. 1960, c. 249



Erections,  
annexations  
and  
amalgama-  
tions

(3) Sections 10, 11 and, subject to subsection 3 of section 2, section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Nuisances

(4) The Regional Corporation shall be deemed to be a local municipality for the purpose of paragraph 116 of subsection 1 of section 379 of *The Municipal Act*.

Delegation  
of approvals  
or consents

(5) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 2 of section 42, subsection 1 of section 58, subsection 2 of section 59 and subsection 2 of section 74 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

Deemed  
county for  
1961-62,  
c. 18

(6) For the purposes of *The Construction Safety Act, 1961-62*, the Regional Corporation shall be deemed to be a county and the area municipalities, except cities, shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed  
municipality  
R.S.O. 1960,  
c. 218

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of section 87 of *The Liquor Licence Act*.

By-laws

(8) On the 1st day of January, 1970,

(a) the by-laws of the former Township of Clinton, that would have extended under section 18 of *The Municipal Act* to that portion of the Township of Louth annexed to the Town of Beamsville under clause *a* of subsection 1 of section 2 had it been annexed to the Township of Clinton, extend and apply to such portion of the Township of Louth;

R.S.O. 1960,  
c. 249

(b) the by-laws of the former Township of Bertie, that would have extended under section 18 of *The Municipal Act* to that portion of the Township of Willoughby annexed to the the Town of Fort Erie under clause *b* of subsection 1 of section 2 had it been annexed to the Township of Bertie, extend and apply to such portion of the Township of Willoughby;

R.S.O. 1960,  
c. 249

(c) the by-laws of the former City of Niagara Falls, that would have extended under section 18 of *The Municipal Act* to those portions of the townships of

Crowland, Humberstone and Willoughby annexed to the City of Niagara Falls under clause *d* of subsection 1 of section 2 had they been annexed under section 18 of *The Municipal Act* to the former City of Niagara Falls, extend and apply to such portions of such townships;

R.S.O. 1960,  
c. 249

- (*d*) the by-laws of the former Village of Fonthill that would have extended under section 18 of *The Municipal Act* to that portion of the Township of Thorold annexed to the Town of Pelham under clause *f* of subsection 1 of section 2 had it been annexed to the Village of Fonthill, extend and apply to such portion of the Township of Thorold.

**164.**—(1) The Regional Council may pass by-laws,

Emergency  
measures  
civil  
defence

- (*a*) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (*b*) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 378 of *The Municipal Act* have no effect.

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of  
Regional  
Council re  
emergency  
measures

- (*a*) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (*b*) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (*c*) for appointing members of the emergency measures planning committee or of any subcommittee thereof, to be in charge of such departments or utilities throughout the Regional Area, as the by-law may

provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act, 1962-63*;

R.S.C. 1952,  
c. 288,  
1962-63,  
c. 41

- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

Expendi-  
tures for  
diffusing  
information

**165.** The Regional Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Grants to  
persons  
engaged in  
work advan-  
tageous to  
Regional  
Area

**166.** The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 126, to institutions, associations and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment of  
damages to  
employees  
R.S.O. 1960,  
c. 437

**167.** Where in an action or by the settlement of a claim arising out of an injury to an employee or to any person deemed an employee for the purposes of *The Workmen's Compensation Act* the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Investiga-  
tion by  
county judge  
of charges of  
malfeasance

**168.—(1)** Where the Regional Council passes a resolution requesting a judge of either of the county courts within the Regional Area or a judge of the county court of a county adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of



any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

R.S.O. 1960,  
c. 323

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees payable to judge  
R.S.O. 1960,  
c. 197

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Engaging counsel

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he deems advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

Idem

**169.**—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*.

Commission of inquiry

R.S.O. 1960,  
c. 323

(2) A commission may be recommended at the instance of the Department or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

When commission may issue

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.

Expenses of commission



Entry on  
highways,  
etc.

**170.** The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements  
re services

**171.** The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment.

Application  
of  
R.S.O. 1960,  
c. 23

**172.—**(1) For the purposes of paragraph 9 of section 4 and section 43 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Regional  
Corporation  
and area  
municipalities  
not deemed  
tenants

(2) For the purposes of paragraph 9 of section 4 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be deemed to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpre-  
tation

(3) In subsection 2, "Regional Corporation" and "area municipality" include a local board thereof.

Executions  
against  
Regional  
Corporation

**173.—**(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the financial officer of the Regional Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the

portion of the amount mentioned in the statement that shall be levied against and in each area municipality.

3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff deems sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Niagara" (Adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Functions  
of clerk,  
assessors  
and  
collectors

Counties  
dissolved

**174.**—(1) The Corporation of the County of Lincoln and The Corporation of the County of Welland are dissolved on the 1st day of January, 1970.

Assets and  
liabilities

(2) All the assets and liabilities of the counties of Lincoln and Welland become, on the 1st day of January, 1970, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Lincoln or the County of Welland shall be transferred to the officer appointed under section 20.

Suburban  
roads  
commissions  
dissolved

**175.**—(1) All suburban roads commissions in the Regional Area are dissolved on the 1st day of January, 1970.

Assets and  
liabilities,

(2) All the assets and liabilities of the roads commissions dissolved under subsection 1 become, on the 1st day of January, 1970, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commissions shall be transferred to the officer appointed under section 20.

Adjustment  
of assets,  
etc.

R.S.O. 1960,  
c. 249

**176.**—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation may exercise any of the powers under clauses *a, b* and *d* of subsection 10 of section 14 of *The Municipal Act* in relation to the dissolution of the counties of Lincoln and Welland and the dissolution of the Niagara District Health Unit and suburban roads commissions under this Act.

Disputes

R.S.O. 1960,  
c. 274

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

Conditional  
powers

**177.** The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purposes of this Act.

Conflict  
with other  
Acts

**178.** The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Municipal  
buildings

**179.**—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,



- (a) may acquire land for the purpose of constructing municipal buildings; and
- (b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

(2) Section 252 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section. Application of R.S.O. 1960, c. 249

**180.**—(1) In this section, “waste” includes ashes, garbage, refuse and domestic or industrial waste of any kind. Interpretation

(2) Where an area municipality has requested the Regional Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the Regional Corporation and the area municipality may enter into an agreement for the use and operation of such facilities. Agreement

(3) For the purposes of an agreement under subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste. Waste disposal sites

(4) A by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* does not apply to the Regional Corporation. Application of by-law under R.S.O. 1960, c. 249, s. 379, subs. 1, par. 112

(5) For the purposes of subsection 3, paragraph 76 of subsection 1 of section 379 of *The Municipal Act* applies *mutatis mutandis*. Acquisition of land for waste disposal

**181.** The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it deems necessary to implement such plan and program. Regional Fire Co-ordinator

**182.**—(1) On and after the 1st day of January, 1970, no area municipality shall be required to comply with section 111 of *The Power Commission Act*. Application of R.S.O. 1960, c. 300, s. 111



Powers of  
utilities  
commissions  
transferred  
to area  
municipality  
or Regional  
Corporation

(2) The public utilities commissions that have control and management of the distribution and supply of electrical power and energy and hydro-electric commissions within the Regional Area are continued for the year 1970 as local boards of the area municipality in which they have jurisdiction and the powers and duties of every such public utility commission, except with respect to the distribution and supply of electrical power and energy, shall become on the 1st day of January, 1970, powers and duties of an area municipality or the Regional Corporation as required by this Act.

Distribution  
of electrical  
power

(3) Where, on the 31st day of December, 1969, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until the 1st day of January, 1971, to distribute and sell power within such area.

Members of  
commissions  
continued  
in office

(4) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until the 1st day of January, 1971 and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Commis-  
sions  
dissolved

(5) All public utilities commissions within the Regional Area except those referred to in subsection 2 are hereby dissolved on the 1st day of January, 1970, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission.

Boards in  
St.  
Catharines  
dissolved

**183.**—(1) The following boards and committees of the City of St. Catharines are hereby dissolved on the 1st day of January, 1970:

1. St. Catharines Community Centres, Board;
2. Merritton Ward Community Centre Board;
3. St. Catharines Recreation Committee;
4. The Board of Park Management of St. Catharines,

and on such date all the assets and liabilities of such boards and committees become the assets and liabilities of The Corporation of the City of St. Catharines without compensation.

(2) The council of the City of St. Catharines shall be deemed to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Council  
of St.  
Catharines  
deemed  
community  
centre  
board, etc.  
R.S.O. 1960,  
cc. 94, 60

**184.** The Regional Corporation shall be deemed to be a local municipality for the purposes of paragraph 9 of section 377 of *The Municipal Act*.

Regional  
Corporation  
deemed  
municipality  
under  
R.S.O. 1960,  
c. 249, s. 377,  
par. 9.

**185.**—(1) This Part comes into force on the day this Act receives Royal Assent.

Commence-  
ment  
of Part

(2) Section 1 comes into force on the day this Act receives Royal Assent.

Idem

**186.** This Act may be cited as *The Regional Municipality of Niagara Act, 1968-69*.

Short title

#### FORM 1

(Section 10 (5) )

#### OATH OF ALLEGIANCE

I, . . . . ., having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Niagara, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me, etc.

#### FORM 2

(Section 10 (5) )

#### DECLARATION OF QUALIFICATION BY CHAIRMAN

I, . . . . ., having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Niagara, declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.

2. I am of the full age of twenty-one years.

3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.

4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Regional Municipality of Niagara or any local board thereof or any area municipality or local board thereof.

5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

An Act to establish  
The Regional Municipality of Niagara

*1st Reading*

June 4th, 1969

*2nd Reading*

*3rd Reading*

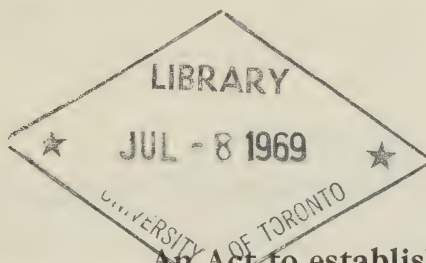
MR. McKEOUGH

BILL 174

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act to establish  
The Regional Municipality of Niagara**

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MR. McKEOUGH

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*(Reprinted as amended by the Committee of the Whole House)*



## EXPLANATORY NOTES

The Bill provides for the formation of twelve area municipalities by the amalgamation and annexation of the twenty-six local municipalities within the counties of Lincoln and Welland and for the incorporation of The Regional Municipality of Niagara and the dissolution of the counties.

The Bill is divided into ten Parts:

- PART I — Area Municipalities.
- PART II — Incorporation and Council of Regional Area.
- PART III — Regional Waterworks System.
- PART IV — Regional Sewage Works.
- PART V — Regional Road System.
- PART VI — Planning.
- PART VII — Health and Welfare Services.
- PART VIII — Police.
- PART IX — Finances.
- PART X — General.

BILL 174

1968-69

## An Act to establish The Regional Municipality of Niagara

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### INTERPRETATION

#### 1. In this Act,

Interpre-  
tation

- (a) "area municipality" means the municipality or corporation of the Town of Beamsville, the Town of Fort Erie, the Town of Grimsby, the City of Niagara Falls, the Town of Niagara-on-the-Lake, the Town of Pelham, the City of Port Colborne, the City of St. Catharines, the Town of Thorold, the Township of Wainfleet, the City of Welland and the Township of West Lincoln, all as constituted or continued by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "Department" means the Department of Municipal Affairs;
- (f) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (g) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;

- (h) "land" includes lands, tenements, and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (i) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2;
- (k) "Minister" means the Minister of Municipal Affairs;
- (l) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 138;
- (m) "Municipal Board" means the Ontario Municipal Board;
- (n) "Regional Area",
  - (i) until the 1st day of January, 1970, means the area included within the counties of Lincoln and Welland, and
  - (ii) on and after the 1st day of January, 1970, means the area from time to time included within the area municipalities;
- (o) "Regional Corporation" means The Regional Municipality of Niagara;
- (p) "Regional Council" means the council of the Regional Corporation;

- (q) "regional road" means a road forming part of the regional road system established under Part V;
- (r) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

## PART I

### AREA MUNICIPALITIES

#### 2.—(1) On the 1st day of January, 1970,

Constitution of  
area municipalities

- (a) The Corporation of the Town of Beamsville and The Corporation of the Township of Clinton are amalgamated as a town municipality bearing the name of The Corporation of the Town of Beamsville and the portion of the Township of Louth, described as follows, is annexed to such town:

COMMENCING at a point in the southern boundary of the Township of Louth, where it is intersected by the southerly production of the line between lots 7 and 8 in Concession VIII of the said Township;

THENCE northerly to and along the line between lots 7 and 8 in concessions VIII, VII, VI and V respectively, to the middle of the main channel of the Fifteen Mile Creek, south of the King's Highway No. 8;

THENCE in a general northerly direction following the middle of the main channel of the Fifteen Mile Creek to its mouth at Lake Ontario;

THENCE northerly on the same course as the westerly boundary of the present Township of Louth, to the north boundary of the said Township as defined by subsection 2 of section 6 of *The Territorial Division Act*, being chapter 395 of the Revised Statutes of Ontario, 1960;

THENCE westerly along the north boundary of the Township of Louth as defined by subsection 2 of section 6 of *The Territorial Division Act*, to the northerly prolongation of the west boundary of the Township of Louth;

THENCE southerly along the last-mentioned prolongation being along the boundary between the Townships of Clinton and Louth, in accordance with the provisions of *The Territorial Division Act*, to the southerly high water mark of Lake Ontario;



THENCE southerly along the boundary between the present townships of Clinton and Louth to the southwest angle of the said Township of Louth;


THENCE easterly along the south boundary of the said Township of Louth being along the boundary between the townships of Louth and Pelham to the point of commencement;

- (b) The Corporation of the Town of Fort Erie, The Corporation of the Township of Bertie and The Corporation of the Village of Crystal Beach are amalgamated as a town municipality bearing the name of The Corporation of the Town of Fort Erie and the portion of the Township of Willoughby, described as follows, is annexed to such town:



COMMENCING at the southwest corner of Lot 30, Adjoining Cross Concession, of the Township of Willoughby;

THENCE northerly along the west limit of said Lot 30 and across the road allowance between the Cross and Adjoining Cross Concessions to the southwest corner of Lot 15, Cross Concession, of the Township of Willoughby;


THENCE easterly along the north limit of the last-mentioned road allowance to the southeast corner of Lot 20 in the Broken Front Concession, southeast angle, of said Township of Willoughby; 

THENCE northerly along the easterly limit of Lot 20 and its prolongation northerly to the centre line of the road allowance between lots 2 and 3 in the Broken Front Concession, Niagara River of the Township of Willoughby;

THENCE easterly along the last-mentioned centre of road allowance and its prolongation to the International Boundary between Canada and the United States of America in the Niagara River;

THENCE southeasterly along the said International Boundary through the said Niagara River, to the easterly prolongation of the southern boundary of the said Township of Willoughby;



THENCE westerly along the last-mentioned prolongation and along the southerly boundary of the Township of Willoughby to the place of beginning. 

- (c) The Corporation of the Town of Grimsby and The Corporation of the Township of North Grimsby are amalgamated as a town municipality bearing the name of The Corporation of the Town of Grimsby;
- (d) The Corporation of the City of Niagara Falls and The Corporation of the Village of Chippawa are amalgamated as a city municipality bearing the name of The Corporation of the City of Niagara Falls and the portions of the townships of Crowland, Humberstone and Willoughby, described as follows, are annexed to such city:

FIRSTLY, part of the Township of Crowland, commencing at the northeast angle of the Township of Crowland being at a point in the middle of the main channel of the Welland River;

THENCE westerly along the middle of the main channel of the Welland River being along the boundary between the Township of Crowland and the City of Niagara Falls, to the northerly prolongation of the line between lots 9 and 10 in the Broken Front Concession of the said Township of Crowland;

THENCE southerly to and along the line between lots 9 and 10 in the Broken Front Concession and between lots 9 and 10 in concessions I to VII both inclusive, and between lots 9 and 10 in the Gore and its extension southerly, to the southern boundary of the township of Crowland;

THENCE easterly along the southern boundary of the said Township being along the boundary between the townships of Crowland and Humberstone, to the southeast angle of the said Township of Crowland;

THENCE northerly along the eastern boundary of the Township of Crowland being along the boundary between the townships of Crowland and Willoughby, to the point of commencement;

SECONDLY, part of the Township of Humberstone, commencing at the southeast angle of the Township of Crowland;

THENCE westerly along the boundary between the townships of Humberstone and Crowland, to the southerly prolongation of the line between lots 9 and 10 in the Gore of the said Township of Crowland;



THENCE southerly to the northeast corner of Lot 10, Concession 5, in the Township of Humberstone;

THENCE southerly along the easterly limit of said Lot 10, 1,000 feet;



THENCE easterly parallel with the south limit of the road allowance between the said townships of Humberstone and Crowland and its production easterly, to the easterly boundary of the Township of Humberstone;

THENCE northerly along the boundary between the townships of Humberstone and Bertie, to the north-easterly angle of the Township of Humberstone;

THENCE westerly along the north boundary of the said Township of Humberstone to the point of commencement;

THIRDLY, part of the Township of Willoughby, commencing at the northwesterly angle of the Township of Willoughby being at a point in the middle of the main channel of the Welland River;

THENCE southerly along the west boundary of the Township of Willoughby being along the boundary between the townships of Willoughby and Crowland, to the southwestern angle of Lot 15, in the Cross Concession of the Township of Willoughby;



THENCE easterly along the north limit of the road allowance between the Cross and Adjoining Cross Concessions to the southeast angle of Lot 20 in the Broken Front Concession, southeast angle, of the said Township of Willoughby;



THENCE northerly along the east limit of the said Lot 20 and its prolongation northerly to the centre line of the road allowance between lots 2 and 3 in the Broken Front Concession, Niagara River, of the said Township of Willoughby;

THENCE easterly along the last-mentioned centre of road allowance and its prolongation, to the International Boundary between Canada and the United States of America in the Niagara River;

THENCE in a general northerly direction along the said International Boundary to the easterly prolongation of a straight line joining the middle of the main channel of the Welland River at the west limit of the Township of Willoughby, with the middle of the said river where it enters the Niagara River;

THENCE westerly along the last-mentioned prolongation to the east limit of the Village of Chippawa;

THENCE southeasterly, southwesterly, westerly and northerly along the boundaries of the said village, to the middle of the main channel of the Welland River;

THENCE westerly following the middle of the main channel of the Welland River being along the north boundary of the Township of Willoughby to the point of commencement;

- (e) The Corporation of the Town of Niagara and The Corporation of the Township of Niagara are amalgamated as a town municipality bearing the name of The Corporation of the Town of Niagara-on-the Lake;
- (f) The Corporation of the Township of Pelham and The Corporation of the Village of Fonthill are amalgamated as a town municipality bearing the name of The Corporation of the Town of Pelham and the portion of the Township of Thorold, described as follows, is annexed to such town:

COMMENCING at a point in the westerly boundary of the Township of Thorold where it is intersected by the southerly limit of the right-of-way of The Hydro-Electric Power Commission of Ontario, crossing Lot 163 of the Township of Thorold;



THENCE southeasterly and easterly along the southerly limit of the said right-of-way, across lots 163, 162, and 161 of the Township of Thorold



to the southerly limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway as shown on Deposit Plan No. 9;

THENCE easterly following the south limit of the last-mentioned right-of-way to a point in Lot 160 distant 660 feet measured easterly at right angles from the eastern limit of Rice Road in the said Township of Thorold;

THENCE southerly parallel with the eastern limit of Rice Road, to a point in a line midway between Merritt Road and Quaker Road, the said point being in the line between the north and south halves of Lot 174 in the said Township of Thorold;

THENCE westerly along the said midway line and its prolongation, to a point in the western limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway;

THENCE southerly along the westerly limit of the said right-of-way to the northern limit of the City of Welland;

THENCE westerly along the northern limit of the City of Welland, to the east boundary of the Township of Pelham;

THENCE northerly along the east boundary of the Township of Pelham, being along the boundary between the townships of Pelham and Thorold, to the south boundary of the Village of Fonthill;

THENCE following the boundaries of the said Village, easterly, northerly and westerly to the west boundary of the Township of Thorold;

THENCE northerly along the western boundary of the Township of Thorold to the point of commencement;

- (g) The portion of the Township of Humberstone, described as follows, is annexed to The Corporation of the City of Port Colborne:

COMMENCING at a point in the northern high water mark of Lake Erie where it is intersected by the easterly boundary of the said Township of Humberstone;

THENCE northerly along the said easterly boundary being along the boundary between the townships of Humberstone and Bertie, to a point distant 1,000 feet measured southerly thereon from the easterly production of the south limit of the allowance for road between the townships of Crowland and Humberstone;

THENCE westerly parallel to the south limit of the last-mentioned allowance for road and its production westerly to the west bank of the New Welland Ship Canal, now under construction;

THENCE southwesterly along the said west bank to its intersection with the east bank of the present ship canal;

THENCE northerly along the last-mentioned bank of the present ship canal to a point distant 1,000 feet measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone, known as The Forks Road;

THENCE westerly parallel with the last-mentioned limit of road allowance to the western boundary of the Township of Humberstone;

THENCE southerly along the west boundary of the said Township of Humberstone being along the boundary between the townships of Humberstone and Wainfleet to the northwestern angle of the City of Port Colborne;

THENCE following along the northern, eastern and southern boundaries of the said City of Port Colborne, to the boundary between the townships of Humberstone and Wainfleet;

THENCE southerly along the prolongation of the boundary between the said townships to the International Boundary between Canada and the United States of America;

THENCE northeasterly along the said International Boundary, to the southerly prolongation of the eastern boundary of the said Township of Humberstone;

THENCE northerly along the last-mentioned prolongation, to the point of commencement;

- (h) The portion of the Township of Louth, described as follows, is annexed to The Corporation of the City of St. Catharines:

COMMENCING at a point in the south boundary of the Township of Louth where it is intersected by the southerly prolongation of the line between lots 7 and 8 in Concession VIII;

THENCE northerly to and along the line between lots 7 and 8 across concessions VIII, VII, VI and V, to the middle of the main channel of the Fifteen Mile Creek south of the King's Highway Number 8;

THENCE northerly along the middle of the main channel of the Fifteen Mile Creek, to its outlet into Lake Ontario;

THENCE northerly on the same course as the westerly boundary of the Township of Louth, to the north boundary of the said Township being to a line in Lake Ontario as defined by subsection 2 of section 6 of *The Territorial Division Act*, being chapter 395 of the Revised Statutes of Ontario, 1960;

THENCE easterly along the last-mentioned line, to the northerly prolongation of the easterly boundary of the Township of Louth;

THENCE southerly along the last-mentioned prolongation, being along the boundary between the Township of Louth and the City of St. Catharines, to the southerly high water mark of Lake Ontario;

THENCE southerly, easterly and southerly continuing along the boundary between the Township of Louth and the City of St. Catharines, to the southeast angle of the said Township of Louth;

THENCE westerly along the south boundary of the Township of Louth being along the boundary between the Township of Louth and the Township

of Thorold and between the Township of Louth and the Township of Pelham, to the point of commencement;

- (i) The portions of the townships of Crowland and Thorold, described as follows, are annexed to The Corporation of the Town of Thorold:

FIRSTLY, that part of the Township of Crowland lying between the middle of the main channel of the Welland River diversion to be constructed and the middle of the existing main channel of the present course of the Welland River (the constructed diversion to be defined in detail after completion), lying all in lots 16, 17, and 18 of the Broken Front Concession in the Township of Crowland;

SECONDLY, part of the Township of Thorold, commencing at the northwest angle of the original Township of Thorold;

THENCE southerly along the western boundary of the said Township to the southerly limit of the right-of-way of The Hydro-Electric Power Commission of Ontario crossing Lot 163 of the said Township;

THENCE southeasterly and easterly along the southerly limit of the said right-of-way, across lots 163, 162, and 161 of the Township of Thorold to the southerly limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway as shown on Deposit Plan No. 9;

THENCE easterly following the south limit of the last-mentioned railway right-of-way to a point in Lot 160 distant 660 feet measured easterly at right angles from the east limit of Rice Road;

THENCE southerly parallel to the said Rice Road to a point in the line between the north and south halves of Lot 174 of the said township being to the line midway between Merritt Road and Quaker Road;

THENCE easterly along the said midway line being along the line between the north and south halves of lots 174, 228, 227, 226, 225, 224, 223 and 222 and its production through Lot 215, Broken Front Concession, to the middle of the diverted course of the Welland River to be constructed;



THENCE northeasterly and easterly along the middle of the main channel of the said river, to the south-east angle of the said Township of Thorold;

THENCE northerly, westerly and northerly along the boundary between the said Township of Thorold and the City of Niagara Falls to the south boundary of the Town of Thorold;

THENCE following the southerly and westerly boundaries of the said Town of Thorold, to the northwest angle of the said Town being on the northern boundary of the Township of Thorold;

THENCE westerly along the northern boundary of the said Township, westerly, northerly and westerly, to the point of commencement;

- (j) The Corporation of the Township of Wainfleet is continued;
- (k) The portions of the townships of Crowland, Humberstone and Thorold, described as follows, are annexed to The Corporation of the City of Welland:

FIRSTLY, part of the Township of Crowland, commencing at a point in the north boundary of the City of Welland where it is intersected by the middle of the present main channel of the Welland River;

THENCE northeasterly and easterly along the middle of the present main channel of the Welland River, along the middle of the main channel of the diverted course of the said river to be constructed, and along the middle of the main channel of the Welland River to the northerly prolongation of the line between lots 9 and 10 in the Broken Front Concession of the said Township of Crowland;

THENCE southerly to and along the line between lots 9 and 10 in the Broken Front Concession, along the line between lots 9 and 10 in concessions I to VII, both inclusive, and along the line between lots 9 and 10 in the Gore of the said Township and its prolongation to the south boundary of the Township of Crowland;

THENCE westerly along the south boundary of the said Township of Crowland, being along the boundary between the townships of Crowland and Humberstone to the east boundary of the City of Welland;


THENCE northerly, westerly, northerly, westerly and northerly along the boundary between the Township of Crowland and the City of Welland, to the point of commencement;

SECONDLY, part of the Township of Humberstone, commencing at a point in the east boundary of the City of Welland where it is intersected by the boundary between the townships of Humberstone and Crowland;

THENCE easterly along the last-mentioned boundary to the southerly prolongation of the line between lots 9 and 10 in the Gore of the Township of Crowland;



THENCE southerly to the northeast corner of Lot 10, Concession 5, in the Township of Humberstone;

THENCE southerly along the easterly limit of said Lot 10, 1,000 feet. 

THENCE westerly along a line parallel with the south limit of the road allowance between the said townships of Humberstone and Crowland, known as the Netherby Road, and its production westerly, to the west bank of the New Welland Ship Canal, now under construction, the limit of which to be defined in detail after completion;

THENCE southwestwardly along the said west bank to its intersection with the east bank of the present ship canal;

THENCE northerly along the last-mentioned bank to a point distant 1,000 feet measured southerly at right angles from the south limit of the road allowance between concessions IV and V of the said Township of Humberstone, known as the Forks Road;

THENCE westerly parallel with the last-mentioned limit of the road allowance to the western limit of the said Township of Humberstone;

THENCE northerly along the west boundary of the said Township of Humberstone being along the line between the townships of Humberstone and Wainfleet, to the southern boundary of the present City of Welland;

THENCE easterly following the boundaries of the present City of Welland to the point of commencement;

THIRDLY, part of the Township of Thorold, commencing at a point in the north boundary of the City of Welland where it is intersected by the western limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway;

THENCE northerly along the western limit of the said railway to the line between the north and south halves of Lot 176 of the Township of Thorold, being to the line midway between Merritt Road and Quaker Road;

THENCE easterly along the said midway line being along the line between the north and south halves of lots 176, 175, 174, 228, 227, 226, 225, 224, 223 and 222 and its production through Lot 215, Broken Front Concession to the middle of the main channel of the Welland River;

THENCE southwesterly along the said middle of channel being along the southeast boundary of the Township of Thorold to its intersection with the north boundary of the City of Welland;

THENCE westerly along the said boundary of the City of Welland to the point of commencement;

- (1) The Corporation of the Township of Caistor, The Corporation of the Township of Gainsborough and The Corporation of the Township of South Grimsby are amalgamated as a township municipality bearing the name of The Corporation of the Township of West Lincoln.

Dissolution  
of police  
villages

- (2) The following police villages are dissolved on the 1st day of January, 1970:

1. The Police Village of Campden.
2. The Police Village of Fenwick.

3. The Police Village of Jordan.
4. The Police Village of Jordan Station.
5. The Police Village of Queenston.
6. The Police Village of St. Davids.
7. The Police Village of Vineland.

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 10 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Amalgamations and annexations deemed by Municipal Board orders  
R.S.O. 1960, c. 274

(4) If directed by order of the Minister, a vote of the electors of the Town of Beamsville as established by clause *a* of subsection 1 shall be taken at the same time as the election for the first council of the Town, to determine from among the names designated by the Minister, which name the Town shall bear and, following the vote, the Minister shall by order,

Referendum re name of Town

- (a) confirm the name of the Town as set out in clause *a* of subsection 1; or
- (b) declare the name that the Town shall bear,

and where a declaration is made under clause *b*, all references to the Town shall be deemed to refer to the Town as designated in the declaration.

**3.**—(1) On and after the 1st day of January, 1970, the council of each area municipality shall be composed of a mayor, who shall be elected by general vote and shall be the head of the council, and aldermen in the respective area municipalities as follows:

Composition of councils



1. Town of Beamsville—eight aldermen elected by wards.
2. Town of Fort Erie—twelve aldermen, eleven elected by wards and one elected by general vote.
3. Town of Grimsby—eight aldermen elected by general vote.
4. City of Niagara Falls—twelve aldermen elected by wards.
5. Town of Niagara-on-the-Lake—eight aldermen elected by general vote.
6. Town of Pelham—six aldermen elected by wards.
7. City of Port Colborne—eight aldermen elected by wards.
8. City of St. Catharines—twelve aldermen elected by wards.
9. Town of Thorold—ten aldermen elected by general vote.
10. Township of Wainfleet—four aldermen elected by general vote.
11. City of Welland—fourteen aldermen elected by wards.
12. Township of West Lincoln—six aldermen elected by wards.

Election  
and term  
of office

(2) With respect to the area municipalities, except the Township of Wainfleet, elections of the first councils thereof shall be held in the year 1969, and the day for polling shall be the 6th day of October and the first councils elected shall hold office for the years 1970, 1971 and 1972.

Idem

(3) For the purposes of the elections of the first councils of the area municipalities, except the Township of Wainfleet,

(a) the Minister shall by order,

- (i) divide into wards the Town of Beamsville, the Town of Fort Erie, the City of Niagara Falls, the Town of Niagara-on-the-Lake, the Town of Pelham, the City of Port Colborne,

the City of St. Catharines, the City of Welland and the Township of West Lincoln, all as constituted by section 2 and make provision for the respective numbers of aldermen to be elected in the respective wards,

- (ii) with respect to the Town of Fort Erie and the City of Niagara Falls, make provision that only persons whose principal place of residence was continuously since the 1st day of January, 1969, in such wards are eligible to be elected as aldermen for such wards,
- (iii) fix the days, times and places of nominations, and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, and
- (iv) provide for such other matters as he considers necessary to hold the elections; and
- (b) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act* <sup>R.S.O. 1960, c. 249</sup> and are resident in a local municipality or part thereof within the Regional Area for the period between the 1st day of January, 1969, and the day of the poll are entitled to be entered on the voters' list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled.

(4) With respect to the Township of Wainfleet,

- (a) the reeve, deputy reeve and three councillors in <sup>Wainfleet</sup> office on the day this Part comes into force shall hold office until the 31st day of December, 1970, or until their successors are elected or appointed, and, on and after the 1st day of January, 1970, the reeve shall be known as the mayor and the deputy reeve and councillors shall be known as aldermen; and
- (b) an election shall be held in the year 1970 to elect a mayor and four aldermen who shall hold office for the years 1971 and 1972.

(5) With respect to the City of Niagara Falls, the provisions of subsection 3 shall apply in respect of the election of council for the years 1973 and 1974. <sup>Election Niagara Falls 1972</sup>

(6) The mayor of the Town of Niagara-on-the-Lake shall be known as the Lord Mayor. <sup>Mayor of Niagara-on-the-Lake</sup>

Organiza-  
tion com-  
mittee in  
1969

(7) The members of the council of each area municipality elected in the year 1969 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Expenses of  
first  
elections

(8) The expenses of the local municipalities for the elections to elect members of the Regional Council and of the councils of the area municipalities in the year 1969 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Meetings  
of electors  
for nomina-  
tion of  
candidates  
and polling  
day

4.—(1) In every area municipality,

- (a) meetings of electors for the nomination of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second year thereafter on the second Monday preceding the first Monday in December; and
- (b) the day for polling in the year 1972 and in every second year thereafter shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

Place of  
nomination  
meeting

(2) The council of every area municipality, before the 1st day of November in the year 1972 and in every second year thereafter, shall pass a by-law naming the place or places and time or times at which the nomination meeting or meetings shall be held.

Term of  
office

(3) The members of the council of each area municipality and such local boards, commencing with such councils and local boards which take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new council or board is organized.

Resident  
voters' list  
R.S.O. 1960,  
c. 254

(4) Each area municipality shall be deemed to have passed a by-law providing for a resident voters' list under *The Municipal Franchise Extension Act*, and the assent of the electors as required therein shall be deemed to have been received.

Commence-  
ment  
of Part

5. This Part comes into force on the day this Act receives Royal Assent.

## PART II

## INCORPORATION AND COUNCIL OF REGIONAL AREA

**6.**—(1) On the 15th day of October, 1969, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Niagara". Regional Corporation constituted

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act*. Deemed municipality under R.S.O. 1960, cc. 98, 274

(3) On and after the 1st day of January, 1970, each of the judicial districts of Niagara North and Niagara South, as described in section 5a of *The Territorial Division Act*, shall be deemed to be a county for all judicial purposes. Regional Area deemed county for judicial purposes R.S.O. 1960, c. 395

(4) Every person who held an office or appointment under any Act on the 31st day of December, 1969, in and for the County of Lincoln or in and for the County of Welland shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1970, in and for the Judicial District of Niagara North or in and for the Judicial District of Niagara South, as the case may be. Appointments for counties of Lincoln and Welland deemed appointments for Niagara North and Niagara South

**7.**—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area. Regional Council to exercise corporate powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law. Powers exercised by by-laws

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. Not to be quashed as unreasonable

**8.**—(1) The Regional Council shall consist of twenty-nine members composed of a chairman and, Composition of Regional Council

(a) in the year 1969, the mayor-elect of each area municipality and the reeve of the Township of Wainfleet and thereafter the head of the council of each area municipality;

(b) five members elected by general vote of the electors of the area municipality of the City of St. Catharines;



- (c) three members elected by general vote of the electors of the area municipality of the City of Niagara Falls;
- (d) two members elected by general vote of the electors of the area municipality of the City of Welland;
- (e) one member elected respectively by general vote of the electors of each of the area municipalities of the Town of Beamsville, the Town of Fort Erie, the Town of Grimsby, the Town of Niagara-on-the-Lake, the City of Port Colborne and the Town of Thorold.

Appoint-  
ment of  
chairman by  
Lieutenant  
Governor  
in Council

(2) The chairman shall be appointed by the Lieutenant Governor in Council before the 15th day of October, 1969, to hold office at pleasure during the years 1969 to 1972 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Biennial  
appoint-  
ment of  
chairman

(3) At the first meeting of the Regional Council in the year 1973 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 20 shall preside until the chairman is elected.

Resignation  
from Area  
Council

(4) Where the head of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant, and an election shall be held in such municipality forthwith to elect a head of council, except where the vacancy occurs during the last nine months of the term of office of the head of council in which case section 150 of *The Municipal Act* applies, and the expenses of such election shall be borne by the Regional Corporation.

R.S.O. 1960,  
c. 249

Failure  
to elect  
chairman

(5) If at the first meeting of the Regional Council in the year 1973 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

9.—(1) The election of the members of the Regional Council <sup>Elections</sup> to be elected by general vote of the electors of an area municipality as provided in section 8, subject to any order of the Minister under subsection 2, shall be held at the same times and in the same manner as the election of the mayor of such area municipality, and the members so elected at the elections to be held in the year 1969 shall hold office for the years 1969 to 1972 inclusive, and thereafter such members, commencing with the members to take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new Regional Council is organized.

(2) For the purposes of the elections to be held in the <sup>1969</sup> year 1969 of the members of the Regional Council to be <sup>election</sup> elected by general vote of the electors of the area municipalities,

(a) the Minister may by order fix the days, times and places of nominations, and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, and such other matters as he may deem necessary to carry out the elections; and

(b) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act* <sup>R.S.O. 1960, c. 249</sup> and are resident in a local municipality within the Regional Area for the period between the 1st day of January, 1969, and the day of the poll are entitled to be entered on the voters' list in addition to those so ordinarily entitled.

(3) A person is eligible to be elected a member of the <sup>Qualifica-</sup> Regional Council by the electors of an area municipality if he is eligible to be elected a member of the council of the area municipality or to be appointed to fill a vacancy in the office of a member so elected, but no person, except a mayor, may be a member of the Regional Council and the council of an area municipality at the same time.

(4) Section 35 of *The Municipal Act* applies *mutatis* <sup>Disqualifica-</sup> *mutandis* to the Regional Council. <sup>tion</sup>

10.—(1) The first meeting of the Regional Council shall <sup>First</sup> be held on or after the 15th day of October, 1969, at such <sup>meeting</sup> date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting. <sup>1969</sup>

First  
meeting  
of area  
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1970 and in the year 1973 and in every second year thereafter shall be held not later than the 8th day of January, and in the year 1970 the first meeting shall be called by the mayor-elect at such time and place as he may designate.

First  
meeting of  
Regional  
Council

(3) The first meeting of the Regional Council in the year 1970 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

Certificate  
of qualifi-  
cation

(4) A person entitled to be a member *ex officio* of the Regional Council shall not take his seat until he has filed with the person presiding at a meeting a certificate under the hand of the clerk of the area municipality of which he is the head of the council and under the seal of the area municipality certifying that he is entitled to be a member of the Regional Council.

Oath of  
allegiance,  
declaration  
of qualifi-  
cation

(5) The chairman, before taking his seat, shall take an oath of allegiance (Form 1) and a declaration of qualification (Form 2).

Declarations  
of office  
R.S.O. 1960,  
c. 249

(6) No business shall be proceeded with at the first meeting until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

When  
Council  
deemed  
organized

(7) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 1 of section 12.

Place of  
meeting

**11.** Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints.

Quorum  
voting

**12.—**(1) Fifteen members of the Regional Council representing at least six area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Subject to subsection 3, each member of the Regional Council has one vote only.

(3) The chairman does not have a vote except in the event of an equality of votes. Chairman's vote

**13.**—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. Vacancies, chairman

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 3 of section 8, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor. Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. Idem

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality from which he was elected shall by by-law within thirty days after the vacancy occurs appoint a successor, who is eligible to be elected a member of the Regional Council, to hold office for the remainder of the term of his predecessor. Other members

(5) Section 144 of *The Municipal Act*, except clauses *f*, *g* and *h*, applies to the Regional Council. When seat to become vacant  
R.S.O. 1960  
c. 249

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. Where head of council incapacitated

**14.**—(1) Members of the Regional Council, other than the chairman, may be paid, on and after the 1st day of January, 1970, such annual and other remuneration as the Regional Council may determine. Remuneration

(2) For the year 1973 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine. Idem



Committees  
of council

**15.**—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it deems expedient.

Remunera-  
tion of  
committee  
chairman

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee, except where such chairman is also the chairman of the Regional Council.

Procedural  
by-laws

**16.** The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

Head of  
council

**17.**—(1) The chairman is the head of the Regional Council [and, is the chief executive officer of the Regional Corporation.

Chief  
adminis-  
trative  
officer

(2) The Regional Council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

Application  
of  
R.S.O. 1960,  
c. 249, s. 239

(3) Subsection 2 of section 239 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2.

Acting  
chairman

**18.** When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

Application  
of  
R.S.O. 1960,  
c. 249

**19.**—(1) Sections 192, 193, 195, 197, 198, 253, 275 to 280, and 406a of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Sections 190, 198*a*, 198*b*, 199 and 244 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Council. Idem

**20.**—(1) The Regional Council shall appoint an officer, Appointment of officer and his duties  
whose duty it is,

- (a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy who shall Deputy officer  
have all the powers and duties of the officer appointed under subsection 1.

(3) When the office of the officer appointed under subsection 1 is vacant or the incumbent is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting officer *pro tempore* who shall have all the powers and duties of the officer appointed under subsection 1. Acting officer

(4) The chairman appointed under subsection 2 of section 8 shall appoint an acting officer who shall have all the powers and duties of an officer under subsection 1 for the purposes of the first meeting of the Regional Council in the year 1969 and thereafter until the Regional Council appoints an officer under this section. Acting officer, first meeting 1969

(5) An officer appointed under this section is deemed to be the clerk of the Regional Corporation for the purposes of every Act. Officer deemed clerk under other Acts

**21.**—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of an officer appointed under section 20, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Minutes open to inspection and copies to be furnished

Corporation made to the Regional Council or any of its committees, and the officer within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of  
by-laws  
affecting  
land

(2) The officer appointed under section 20 shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies  
certified  
by officer  
to be  
receivable  
in evidence

(3) A copy of any record, book or document in the possession or under the control of an officer appointed under section 20, purporting to be certified under his hand and seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appoint-  
ment of  
financial  
officer

**22.**—(1) The Regional Council shall appoint a financial officer to undertake the duties of a treasurer and such financial officer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy  
financial  
officer

(2) The Regional Council may appoint a deputy financial officer who shall have all the powers and duties of the financial officer.

Acting  
financial  
officer

(3) When the office of financial officer is vacant or the financial officer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting financial officer *pro tempore* who shall have all the powers and duties of the financial officer.

Financial  
officer  
deemed  
treasurer  
under other  
Acts

(4) A financial officer appointed under this section is deemed to be the treasurer of the Regional Corporation for the purposes of every Act.

Receipt and  
disburse-  
ment of  
money

**23.**—(1) The financial officer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the financial officer shall be signed by the financial officer and by some other person or persons designated for the purpose

by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection 1, the Regional Council may by by-law, <sup>Signing of cheques</sup>

- (a) designate one or more persons to sign cheques in lieu of the financial officer; and
- (b) provide that the signature of the financial officer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the financial officer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide. <sup>Petty cash fund</sup>

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the financial officer for any work or service performed or to be performed. <sup>Member of Council, when he may be paid for work</sup>

(5) The financial officer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. <sup>Financial officer's liability limited</sup>

**24.** Subject to subsection 3 of section 23, the financial officer shall, <sup>Bank accounts</sup>

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the financial officer vary from such provisions.



Monthly  
statement  
by financial  
officer

**25.**—(1) The financial officer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to  
sureties

(2) Where the financial officer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Appoint-  
ment of  
auditors

**26.**—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation.

Cost of  
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Department may upon application finally determine the amount thereof.

Disqualifi-  
cation of  
auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of  
auditors

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Department.

Audit of  
accounts  
before  
payment

(5) The Regional Council may provide that all accounts shall be audited before payment.

Application  
of  
R.S.O. 1960,  
c. 249

**27.**—(1) Sections 217, 223, 223a, 230, 232, 233, 234 and 236, subsections 1, 4 and 5 of section 238, sections 239, 240, 246 and 248c and paragraphs 58, 59, 60, 61 and 62 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Pensions

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional

Area or by the County of Lincoln or a local board thereof or the County of Welland or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

(3) Where the Regional Corporation or a local board <sup>Idem</sup> thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan.

(4) Where the Regional Corporation or a local board thereof <sup>Sick leave credits</sup> employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Lincoln or a local board thereof or the County of Welland or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

(5) Where the Regional Corporation or a local board <sup>Holidays</sup> thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Lincoln or a local board thereof or the County of Welland or a local board thereof or a suburban roads commission, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

(6) The Regional Council shall offer to employ every <sup>Offer of continuation of employment by Regional Council</sup> person who, on the 1st day of April, 1969, is employed by the County of Lincoln or the County of Welland or by any suburban roads commission or the Niagara District Health

Unit or in any undertaking of any local municipality or local board that is assumed by the Regional Corporation under this Act.

Entitlement  
to salary

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1970, of not less than he was receiving on the 1st day of April, 1969, and such wage or salary shall include any increase that comes into effect as of the 1st day of July, 1969, where such increase was established by a by-law or a union contract passed or approved before the 1st day of April, 1969, and such wage or salary as is governed by a collective agreement in the process of being negotiated before the 1st day of July, 1969, shall be his wage or salary as of the 1st day of July, 1969.

Application  
of 1961-62,  
c. 97

(8) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62*.

Offer of  
continua-  
tion of  
employment  
by area  
council

(9) The employees of the local municipalities and the local boards thereof within the Regional Area which are amalgamated or annexed in whole or in part to form an area municipality who were employed by such a local municipality or local board on the 1st day of April, 1969, and continue to be so employed until the 31st day of December, 1969, except employees offered employment by the Regional Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1970, not less than he was receiving on the 1st day of April, 1969.

Sick leave  
credits

(10) Any sick leave credits standing, on the 31st day of December, 1969, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in the sick leave credit plan established by the new employer.

Holidays

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Termination  
of em-  
ployment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Commence-  
ment of  
Part

**28.** This Part comes into force on the day this Act receives Royal Assent.

## PART III

## REGIONAL WATERWORKS SYSTEM

**29.**—(1) For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area, respecting the supply of water and the establishment, construction, maintenance, operation, improvement and extension of a waterworks system. Establishment of waterworks

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional waterworks system to a public utilities commission. Waterworks utilities commission prohibited

**30.**—(1) The Regional Council shall, before the 31st day of December, 1969, pass by-laws which shall be effective on the 1st day of January, 1970, assuming as part of the regional waterworks system all works for the production, treatment and storage of water operated by or on behalf of each area municipality or any local board thereof and all trunk distribution mains connected therewith and all rights and obligations of an area municipality or local board in relation to such works and mains, and on the day any such by-law becomes effective all the real and personal property in relation to the works and mains designated therein vests in the Regional Corporation. Assumption of works and main

(2) A by-law under subsection 1 shall designate and describe the works and trunk distribution mains assumed. Idem

(3) For the purpose of subsection 1, a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it. Interpretation

(4) Notwithstanding subsection 1, a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 31st day of December, 1969, and in that case the by-law becomes effective on the date provided therein. Extension of time

(5) Where the Regional Corporation assumes a work or trunk distribution main vested in an area municipality or local board, Regional liability

(a) no compensation or damages shall be payable to the area municipality or local board;



- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or main, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1960,  
c. 223

Default

(6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling of  
doubts

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

Interpre-  
tation

(8) In this section, "works" means buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, intakes, outlets, underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses.

Existing  
agreements

**31.**—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable for the supply of water in accordance with the agreement and is bound by all the terms thereof and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Rates

(2) Notwithstanding subsection 1 and notwithstanding anything in the agreement, the Municipal Board, upon the application of the Regional Council or the council of the municipality to which the water is supplied, has jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement.

Powers of  
area muni-  
cipalities  
restricted

**32.**—(1) No area municipality, after the 31st day of December, 1969, shall establish, maintain or operate any works for the production, treatment and storage of water.

(2) Nothing in this section limits the powers of an area <sup>Proviso</sup> municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Regional Corporation.

**33.**—(1) No municipality or local board thereof that is <sup>Supply beyond limits of local municipality</sup> supplied with water by the Regional Corporation shall supply or agree to supply any of such water beyond the limits of the municipality without the approval of the Regional Council.

(2) Nothing in subsection 1 prohibits an area municipality <sup>Proviso</sup> or local board from supplying water to another municipality where by an agreement entered into before the 15th day of October, 1969, which by reason of an amalgamation or annexation under this Act the area municipality or local board is obligated to supply such water and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Regional Corporation.

**34.**—(1) The Regional Council may pass by-laws for <sup>Regulation of supply, etc.</sup> regulating the time, manner, extent and nature of the supply of water from the regional waterworks system, and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Regional Corporation with regard to the water so supplied.

(2) Where, immediately before the 1st day of January, <sup>Continuation of fluoridation of water supply in area</sup> 1970, the water supply in any area in the Regional Area was fluoridated as a result of an affirmative vote of the electors to a question submitted to the electors under section 2 of *The Fluoridation Act, 1960-61*, the Regional Corporation <sup>1960-61, c. 30</sup> may continue to fluoridate the water supply to such area.

**35.** The Regional Council may pass by-laws for the main- <sup>Maintenance, management, etc.</sup> tenance and management of the regional waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality.

**36.**—(1) The Regional Council may pass by-laws fixing <sup>Rates</sup> the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable.

*Idem* (2) In fixing the rates, the Regional Council may use its discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to one or more of the area municipalities.

*Self-sustaining* (3) The Regional Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.

R.S.O. 1960, c. 274, s. 53, subs. 1, cl. *k*, not applicable (4) Clause *k* of subsection 1 of section 53 of *The Ontario Municipal Board Act* does not apply with respect to water supplied by the Regional Corporation to an area municipality.

*Retail sale prohibited* **37.**—(1) The Regional Corporation shall supply water to the area municipalities, but, subject to subsection 2, shall not supply water to any other person.

*Sale to other municipalities* (2) The Regional Corporation may enter into a contract for the supply of water to any local or regional municipality outside the Regional Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

*Books and accounts* **38.** The Regional Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities in respect of the regional waterworks system in such manner as may be prescribed by the Department.

*Application of revenues*  
R.S.O. 1960, c. 335 **39.**—(1) Notwithstanding anything in *The Public Utilities Act* or any other general or special Act, the revenues in respect of the regional waterworks system shall be applied only for,

- (a) the reduction of any indebtedness assumed or incurred with respect to the system;
- (b) the operation, maintenance, renewal, improvement or extension of the system;
- (c) the establishment of such reserve funds as the Regional Council may deem proper, to be used at any future time for any purpose mentioned in clause *a* or *b* or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Regional Corporation.

(2) It is not necessary to levy any rate to provide for principal, interest or other payments on account of any debentures issued or any debt assumed by the Regional Corporation for the purposes of the regional waterworks system except to the extent that the revenues from the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures or debt. <sup>Where levy unnecessary</sup>

(3) The moneys forming part of a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund. <sup>Reserve fund R.S.O. 1960, c. 408</sup>

(4) The moneys forming part of a reserve fund established under subsection 1 shall be applied or expended only for the purposes of the regional waterworks system. <sup>Application of reserve fund</sup>

**40.**—(1) Subject to section 47, the Regional Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the regional waterworks system, that, in the opinion of the Regional Council, is no longer required for the purposes of the waterworks system, but where the property is actually used for the purposes of the waterworks system no such sale, lease or other disposition shall be made without the approval of the Municipal Board. <sup>Disposal of property</sup>

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues in respect of the regional waterworks system. <sup>Proceeds</sup>

**41.**—(1) The Regional Corporation is not liable for damages caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown, or when it is necessary in maintaining or extending the system, but the Regional Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water. <sup>Temporary shut-offs</sup>

(2) Where the supply of water by the Regional Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done <sup>No breach of contract</sup>



under this subsection shall be deemed to be a breach of contract or entitle any person to rescind any contract or release any guarantor from the performance of his obligation.

Standards  
of local  
systems

**42.**—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws.

Approval  
of local ex-  
tensions and  
connections

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect the works or any part thereof to any work or main of the Regional Corporation without the approval of the Regional Council.

Appeal

**43.** If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct any extension of the regional distribution system;
- (c) to maintain or increase the supply of water to the area municipality;
- (d) to approve the construction or extension of any local water distribution works by the area municipality; or
- (e) to permit the connection or the continuance of a connection to the regional system,

the council may appeal to the Municipal Board which may make such order as it deems advisable in the matter, and the decision of the Municipal Board is final.

Payment of  
charges

**44.**—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality to the Regional Corporation, and the treasurer of every area municipality shall pay the same to the financial officer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council.

Discounts  
and  
penalties

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for

water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate not exceeding one-half of 1 per cent for each month or fraction thereof while such default continues.

**45.** The Regional Corporation has, in respect of all works and trunk distribution mains assumed as part of the regional waterworks system, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed. <sup>Transfer of rights over works assumed</sup>

**46.** Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works for the distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. <sup>Inspection of local works</sup>

**47.** Where a distribution main has been assumed by the Regional Corporation under section 30 and, in the opinion of the Regional Council, is no longer required for the purposes of the regional waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Regional Council shall by by-law remove the main from the regional waterworks system and transfer it and all rights and obligations relating thereto to the area municipality. <sup>Reversion where mains no longer required</sup>

**48.** The works and mains assumed by the Regional Corporation under section 30, together with any extensions or additions thereto constructed by the Regional Corporation may be used by the Regional Corporation for the purpose of supplying and distributing water to any or all of the area municipalities and, subject to subsection 2 of section 37, to any local or regional municipality outside the Regional Area. <sup>Use of regional works</sup>

**49.** This Part comes into force on the day this Act receives Royal Assent. <sup>Commencement of Part</sup>

## PART IV

## REGIONAL SEWAGE WORKS

Inter-  
pre-  
tation**50.**—(1) In this Part,

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes, or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) “sewer system” means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) “treatment works” means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) “work” means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

Idem

(2) For the purpose of this Part, a sewer, sewer system or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council.

General  
powers

**51.**—(1) For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Regional

Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area.

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional sewage works to a public utilities commission. Sewage works utilities commission prohibited

**52.** The Regional Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses. Construction, etc., of trunk sewerage works

**53.**—(1) The Regional Council shall, before the 31st day of December, 1969, pass by-laws which shall be effective on the 1st day of January, 1970, assuming as regional sewage works all treatment works operated by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the Regional Corporation. Assumption of treatment works

(2) The Regional Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1970. Other works

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed. Idem

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1969, and in that case the by-law becomes effective on the date provided therein. Extension of time

(5) Where the Regional Corporation assumes a work or watercourse vested in an area municipality or local board, Regional liability

- (a) no compensation or damages shall be payable to the area municipality or local board;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect



of such work or watercourse, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement work.

R.S.O. 1960,  
c. 223

**Default**

(6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

**Settling of  
doubts**

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

**Existing  
agreements**

**54.**—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

**Idem**

(2) Where any local municipality or a local board thereof within the Regional Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

**Termination**

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder.

**Powers  
of area  
municipalities  
restricted**

**55.**—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Regional Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Regional Council.

(2) No area municipality shall establish or enlarge any <sup>Idem</sup> treatment works after the 31st day of December, 1969, without the approval of the Regional Council.

**56.** The Regional Council may pass by-laws for the <sup>Regulation of system, etc.</sup> maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal.

**57.**—(1) Where in the opinion of the Regional Council <sup>Special benefit</sup> an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work, and at any time in respect of the assumption of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

(2) Where any debt is incurred for the cost of the work, <sup>Debt payments</sup> the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the Regional Corporation for the purposes of the area municipality.

(3) The area municipality may pay the amounts chargeable <sup>Raising of money by area municipality</sup> to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 380 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work. <sup>R.S.O. 1960, c. 249</sup>

**58.**—(1) No municipality or person shall connect any local <sup>Connecting to regional works or water-courses</sup> work, local watercourse, private drain or private sewer to a

regional work or watercourse without the approval of the Regional Council.

Agreements  
with other  
municipalities

(2) The Regional Corporation may enter into a contract with any local or regional municipality outside the Regional Area to receive and dispose of sewage and land drainage from the local municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Inspection

(3) Any engineer or other officer of the Regional Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the regional work or watercourse.

Standards  
for local  
systems

**59.**—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a regional work or watercourse, and every area municipality and local board shall conform to such by-laws.

Approval  
of local  
extensions,  
etc.

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council.

Appeal

**60.** If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct, extend or improve any regional work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work;
- (e) to permit a connection or the continuance of a connection to any regional work,

the council may appeal to the Municipal Board, which may make such order as it deems advisable in the matter, and the decision of the Municipal Board is final.



**61.**—(1) The Regional Council may pass by-laws, providing for imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any regional work or works. Special sewage service rates

(2) All such charges constitute a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council. Idem

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 380 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality. Raising of money by area municipality R.S.O. 1960, c. 249

**62.** The Regional Council may contribute toward the cost to any area municipality of the separation of sanitary and storm sewers now in existence in the area municipality, the construction of which commenced on or after the 1st day of January, 1969, such amount as it deems proper, not exceeding 25 per cent of the total cost thereof to the area municipality. Contribution towards cost of separation of combined sewers

**63.** The Regional Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Regional Corporation and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed. Transfer of rights over works assumed

**64.** Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. Inspection of local works

**65.** Any works assumed by the Regional Corporation under section 53, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of receiving Use of regional works



and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 58, from any local or regional municipality outside the Regional Area.

Commence-  
ment of  
Part

**66.** This Part comes into force on the day this Act receives Royal Assent.

## PART V

### REGIONAL ROAD SYSTEM

Interpre-  
tation

**67.** In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "Department" means the Department of Highways;
- (d) "maintenance" includes repair;
- (e) "Minister" means the Minister of Highways;
- (f) "road authority" means a body having jurisdiction and control of a highway.

County  
roads to  
constitute  
regional  
road system  
until  
established  
by by-law

**68.**—(1) On and after the 1st day of January, 1970, all roads under the jurisdiction and control of the County of Lincoln and the County of Welland on the 31st day of December, 1969, shall constitute the regional road system until a by-law passed under subsection 3 is in force and is effective.

Adding or  
removing  
roads by  
by-law

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality as may be agreed upon between the Regional Council and the council of the municipality.

By-law  
establishing  
system

(3) A by-law shall be passed under subsection 2 and submitted not later than the 31st day of March, 1970, to the Minister for approval by the Lieutenant Governor in Council, which by-law shall establish the regional road system and designate the roads to be included in and those removed from the regional road system as constituted under subsection 1.

Transfer of  
provincial  
highway to  
Regional  
Corporation

(4) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Department within the Regional Area to the Regional Corporation

and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of *The Highway Improvement Act*.

R.S.O. 1960,  
c. 171

(5) While a road or a part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold of such road or part is vested in the Regional Corporation.

Vesting of  
roads in  
Regional  
Corporation

(6) The Lieutenant Governor in Council may remove any road from the regional road system.

Removal of  
roads from  
regional  
road system

(7) Where a road or part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 79, such road or part is thereupon transferred to and jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Roads  
removed  
from  
system

(8) The Regional Council shall on or before the 1st day of May, 1975, pass a by-law consolidating all by-laws relating to the regional road system and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Consolidat-  
ing by-law

(9) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council.

Approval of  
by-laws

**69.**—(1) The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Plan of  
construction  
and  
maintenance

(2) The Regional Corporation shall submit a by-law covering the estimated expenditure on regional roads for the calendar year to the Department for the Minister's approval, not later than the 31st day of March of the year in which the expenditure is to be made.

Submission  
of by-law  
covering  
estimated  
expenditure

Supple-  
mentary  
by-law

(3) The Regional Corporation may, within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on regional roads supplementing the by-law submitted under subsection 2.

Subsidy

(4) No subsidy shall be granted by the Department for work undertaken by the Regional Corporation that has not been provided for by a by-law duly approved by the Minister.

Information  
to Minister

**70.** Where the Regional Corporation proposes the construction, improvement or alteration of a regional road it shall furnish the Minister with such detailed information as he may require.

Annual  
statement  
to Minister

**71.—(1)** The Regional Corporation shall annually, and may, with the consent of the Minister at any time during the year, submit to the Minister,

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the person appointed under section 92 that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the financial officer of the Regional Corporation that the statement of receipts and expenditures is correct; and
- (d) a request for the payment of the grant, authorized by resolution of the Regional Council.

Payment to  
Regional  
Corporation

(2) Upon receipt of the statement, declarations and request and the approval thereof by the proper officer of the Department, the Minister may direct payment to the financial officer of the Regional Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Advance  
payments

(3) Notwithstanding subsection 2 but subject to section 69, the Minister may, in his discretion, direct payment to the Regional Corporation under this section on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

- (a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or
- (b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

(4) Notwithstanding subsection 2, where a plan of construction and maintenance of the regional road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs and the financial capability of the Regional Corporation, direct payment to the financial officer of the Regional Corporation out of the moneys appropriated therefor by the Legislature of such amount as he deems requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

(5) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

**72.** The roads forming part of the regional road system shall be maintained and kept in repair by the Regional Corporation, and in all cases the Minister shall determine the amount of the expenditure for construction or maintenance or for the purchase or maintenance of road machinery, plant and equipment that is properly chargeable to road improvement, and his decision is final.

**73.** The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Lincoln or The Corporation of the County of Welland or the corporation of the area municipality or the corporations of two or more area municipalities or the corporation of any suburban roads commission which had jurisdiction over the roads before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the County of Lincoln or the County of Welland or the area municipality or municipalities or suburban roads commission, as the case may be, might have done if the roads had not become part of the regional road system.



Sidewalks  
excepted

**74.—**(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any regional road or portion thereof, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 443 of *The Municipal Act*, in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1960,  
c. 249

Area muni-  
cipalities  
may con-  
struct  
sidewalks,  
etc.

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road and the Regional Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council.

How cost  
provided

(3) The cost of any such sidewalk, storm sewer, improve-  
ment or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

R.S.O. 1960,  
c. 223

Area muni-  
cipality to  
conform to  
requirements  
and be  
responsible  
for  
damages

(4) An area municipality when constructing such a side-  
walk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

R.S.O. 1960,  
c. 171, s. 100,  
subs. 4,  
not to  
apply

(5) Subsection 4 of section 100 of *The Highway Improve-  
ment Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

Installation  
of traffic  
control  
devices

**75.—**(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than the King's Highway, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon, entering or leaving a regional road.

Relocation  
of inter-  
secting  
roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Department, entering or touching upon or giving access to a regional road.

Approval

(3) No road shall be relocated, altered or diverted under subsection 2 without the approval of the area municipality in which the road is located, which approval may be granted

upon such terms and conditions as may be agreed upon, or failing such approval or agreement, the approval of the Municipal Board.

(4) The Municipal Board, before giving its approval under subsection 3, shall hold a public hearing and shall give or cause to be given at least ten days notice of the hearing to the clerk of the area municipality concerned and to such other persons in such manner as the Municipal Board may direct and the Municipal Board, as a condition to giving any such approval, may by its order impose such restrictions, limitations and conditions respecting the relocation, alteration or diversion of such road as to the Municipal Board may appear necessary or expedient. <sup>Hearing, etc.</sup>

(5) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*. <sup>Construction of storm sewer, etc., on area municipality road</sup> <sup>R.S.O. 1960, c. 223</sup>

**76.** Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road intersected is a part of the regional road system. <sup>Intersection of other roads by regional road</sup>

**77.** When land abutting on a regional road is dedicated for highway purposes for, or apparently for, the widening of the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. <sup>Dedication of lands abutting regional roads for widening purposes</sup>

**78.—(1)** The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 68 by assuming such new roads as part of the regional road system and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*. <sup>New roads</sup> <sup>R.S.O. 1960, c. 249</sup>

(2) On and after the 1st day of January, 1970, the Regional Corporation is authorized to enter into agreements with the Minister under section 94a of *The Highway Improvement Act* with respect to roads within the Regional Area and thereafter no area municipality shall enter into such agreements, and all <sup>Agreements re controlled-access highways</sup> <sup>R.S.O. 1960, c. 171</sup>

such agreements entered into before such date by a local municipality within the Regional Area shall thereafter be deemed to be agreements entered into by the Regional Corporation.

Powers and liabilities of Regional Corporation

**79.** With respect to the regional roads and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city under *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1960, cc. 249, 172

Erection of gasoline pump and advertising device near regional road

**80.**—(1) The Regional Council may, with respect to a regional road, by by-law prohibit or regulate the placing or erecting of,

(a) any gasoline pump within 150 feet of any limit of a regional road; and

(b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

By-laws of area municipalities regulating traffic

**81.**—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

Signal-light devices

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Contribution toward cost of signal-lights

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Traffic control within 100 ft. of regional roads

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional



road and where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

**82.** The Regional Council may by by-law empower the council of any area municipality to exercise the powers of the area municipality under section 469a of *The Municipal Act* in relation to the use of untravelled portions of regional roads within those portions of the area municipality in which land may be used for commercial or industrial purposes.

Use of untravelled portions of regional roads for parking  
R.S.O. 1960 c. 249

**83.** The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Agreements for pedestrian walks

**84.—(1)** Sections 452 and 454 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Disputes as to maintenance, etc., of bridges and highways,

(2) When there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Idem

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality, and in the case of the regional municipality the officer appointed under section 20, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order in regard to the same as it may deem

Hearing by O.M.B.



just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of  
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary  
bridges

R.S.O. 1960,  
c. 249

**85.** Clause *b* of subsection 1 of section 419 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Idem

**86.** Section 434 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Restrictions

**87.**—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 30 of *The Planning Act*.

R.S.O. 1960,  
c. 296

Conflict  
with local  
by-law

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 30 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

Controlled-  
access  
roads

**88.**—(1) Subject to the approval of the Municipal Board, the Regional Council may by by-law designate any regional road, or any portion thereof, as a regional controlled-access road.

Closing  
municipal  
roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Notice of  
application  
for  
approval for  
closing  
road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to

such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it deems proper refusing its approval or granting its approval upon such terms and conditions as it deems proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of  
O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it deems proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Closing  
road

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the Regional Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Regional Corporation as it deems proper and may fix the amount of such costs.

Idem

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Regional Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may deem just.

Leave to  
appeal

Practice and  
procedure  
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Court of Appeal is final.

R.S.O. 1960,  
c. 274, s. 95,  
not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private  
roads, etc.,  
opening  
upon  
regional  
controlled-  
access road

**89.**—(1) The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Notice

(2) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under subsection 1.

Service of  
notice

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the second day following the mailing thereof.

Failure to  
comply  
with  
notice

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause or to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Offence

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

Compensa-  
tion

(6) Where a notice given under subsection 2 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 88 was constructed or used, as the case may be,

(a) before the day on which the by-law designating the road as a controlled-access road became effective; or

- (b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

**90.**—(1) Where the Regional Corporation assumes as a regional road any road in an area municipality, Regional liability when road assumed

- (a) no compensation or damages shall be payable to the area municipality in which it was vested; and
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement work. R.S.O. 1960, c. 223

(2) If the Regional Corporation fails to make any payment as required by clause b of subsection 1, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road assumed, the Municipal Board, upon application, may determine the matter and its decision is final. Settling of doubts

**91.**—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify by registered mail the officer appointed under section 20. Stopping up highways

(2) If the Regional Council objects to such stopping up, it shall so notify the council of the area municipality by registered mail within sixty days of the receipt of the notice under subsection 1 and the highway or part thereof concerned shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. Agreement

**92.** The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the regional road system. Appointment of roads commissioner R.S.O. 1960, c. 309



Application of R.S.O. 1960, c. 171 **93.** Sections 95, 97, 99, 102 and 105 of *The Highway Improvement Act* apply *mutatis mutandis* with respect to any regional road.

Commencement of Part **94.** This Part comes into force on the day this Act receives Royal Assent.

## PART VI

### PLANNING

Planning area R.S.O. 1960, c. 296 **95.**—(1) On and after the 1st day of January, 1970, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Niagara Planning Area.

Designated municipality (2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Niagara Planning Area.

Planning areas dissolved (3) All planning areas and subsidiary planning areas that are included in the Niagara Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1969.

Area municipalities subsidiary planning areas (4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1970 and each council thereof shall be the planning board.

Proviso (5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area.

Effect of official plan (6) When the Minister has approved an official plan adopted by the Regional Council,

(a) every official plan and every by-law passed under section 30 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith;

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

Planning duties of Regional Council **96.**—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Niagara Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Planning Area, and without limiting the generality of the foregoing it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Planning Area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the planning area in determining the solution of problems or matters affecting the development of the Planning Area; and
- (c) consult with any local board having jurisdiction within the Planning Area.

(2) The Regional Council, before the 31st day of December, 1973, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area. Official plan

(3) The Regional Council shall appoint such planning staff as may be deemed necessary. Appointment of planning staff

(4) The Regional Council may appoint such planning committees as it deems necessary. Appointment of committees

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of sections 2, sections 5, 11, 12, 12a, 13, 14, 15, 16, 19, 23, 24, 25, 28, 33 and 34 of *The Planning Act*. Regional Corporation deemed municipality under R.S.O. 1960, c. 296

(6) The Regional Council shall be deemed to be a county for the purposes of section 31a of *The Planning Act*. Idem

(7) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision. Agreements re plans of subdivision

(8) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the Niagara Planning Area or any part thereof. Agreements re special studies

(9) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*. Delegation of Minister's powers

(10) All committees of adjustment heretofore constituted by the council of a local municipality in the Niagara Planning Area are hereby dissolved on the 31st day of December, 1969, Committees of adjustment

and the council of each area municipality shall forthwith after the 1st day of January, 1970, pass a by-law constituting and appointing a committee of adjustment under section 32a of *The Planning Act*.

Application  
of  
R.S.O. 1960,  
c. 296

**97.** Except as provided in this Part, the provisions of *The Planning Act* apply.

Commence-  
ment of  
Part

**98.** This Part comes into force on the day this Act receives Royal Assent.

## PART VII

### HEALTH AND WELFARE SERVICES

Liability for  
hospitaliza-  
tion of  
indigents  
R.S.O. 1960,  
cc. 322, 305

**99.**—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Existing  
liabilities  
transferred

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1969, of an indigent person or his dependant who was in hospital on the 31st day of December, 1969, and in respect of whom any local municipality within the Regional Area, the County of Lincoln, or the County of Welland was liable because the indigent person was a resident of such local municipality, the County of Lincoln or the County of Welland.

Proviso

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1970.

Hospitaliza-  
tion grant  
1970 under  
R.S.O. 1960,  
c. 259

(4) The 1970 indigent hospitalization grant payable under section 8a of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality, the County of Lincoln, and the County of Welland for purposes mentioned in such section 8a in the year 1969 and shall be paid to the Regional Corporation.

Aid to  
hospitals

**100.** The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the Regional Area and may issue debentures therefor.

**101.**—(1) On and after the 1st day of January, 1970, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply.

Regional Area deemed health unit R.S.O. 1960, c. 321

(2) The Niagara District Health Unit is hereby dissolved on the 1st day of January, 1970 and all the assets and liabilities thereof become assets and liabilities of the board of health of the health unit of the Regional Area.

Dissolution of Niagara District Health Unit

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Boundaries fixed

**102.**—(1) On and after the 1st day of January, 1970, the board of health of the health unit established under section 101 shall be composed of,

Constitution of health board

- (a) seven members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

(2) The members of the board of health of the health unit appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Remuneration of certain members

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the health unit in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

Expenses of board

**103.** For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

Regional Corporation deemed city under 1967, c. 3 1966, c. 37 R.S.O. 1960, cc. 164, 173, 236, 359, 425

1. *The Anatomy Act, 1967.*
2. *The Day Nurseries Act, 1966.*
3. *The General Welfare Assistance Act.*
4. *The Homemakers and Nurses Services Act.*
5. *The Mental Hospitals Act.*
6. *The Sanatoria for Consumptives Act.*
7. *The War Veterans Burial Act.*



Liability  
respecting  
homes for  
the aged  
R.S.O. 1960,  
c. 174

**104.**—(1) The Regional Corporation shall be deemed to be a city for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Application

(2) Section 13 of *The Homes for the Aged and Rest Homes Act* applies in respect of applicants for admission to a home except that the authorization and statement in the prescribed forms referred to in clauses *e* and *h* of subsection 1 of such section 13 shall be signed by such person or persons as may be designated by resolution of the Regional Council.

Linhaven  
Home  
vested in  
Regional  
Corporation

**105.**—(1) The home for the aged established, erected and maintained jointly by the City of St. Catharines and the County of Lincoln, known as Linhaven Home for the Aged, and all real and personal property used for the purposes of such home, are vested in the Regional Corporation on the 1st day of January, 1970, and, subject to subsection 3 no compensation or damages shall be paid to the City in respect thereof.

Sunset  
Haven and  
Northland  
Manor  
vested in  
Regional  
Corporation

(2) The home for the aged, known as Sunset Haven Home for Senior Citizens, and the rest home, known as Northland Manor, established, erected and maintained jointly by the City of Niagara Falls, the City of Welland, the City of Port Colborne and the County of Welland, and all real and personal property used for the purposes of such homes, are vested in the Regional Corporation on the 1st day of January, 1970, and, subject to subsection 3, no compensation or damages shall be paid to such cities in respect thereof.

Existing  
debt

(3) The Regional Corporation shall pay to any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality, in respect of the homes referred to in subsections 1 and 2.

Default

(4) If the Regional Corporation fails to make any payments required by subsection 3, the area municipality which has not received its due payment may charge the Regional Corporation interest at the rate of one half of one per cent for each month or portion thereof that the payment is overdue.

Settling  
of doubts

(5) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of a home referred to in subsections 1 and 2, the Municipal Board, upon application, may determine the matter and its decision is final.

**106.** No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act, 1965* and the Regional Corporation shall be deemed to be a metropolitan municipality for the purposes of such Act and a city for the purposes of subsection 2 of section 45 of such Act.

Regional Corporation deemed Metropolitan municipality under 1965, c. 14

**107.** The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1970, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Existing liabilities transferred

**108.** Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be deemed to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Liability under order made under R.S.C. 1952, c. 160

**109.** Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part.

Information

**110.** In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Adjustments

**111.**—(1) The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act, 1966*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

Grants, etc., to approved corporations under 1966, c. 65

(2) All rights and obligations of the municipalities that are parties to any agreement entered into under *The County of Welland Act, 1968* are hereby assumed by the Regional Corporation and no area municipality shall hereafter have any rights or obligations under any such agreement.

Existing agreements 1968, c. 182

**112.** This Part comes into force on the 1st day of January, 1970.

Commencement of Part

## PART VIII

## POLICE

Interpre-  
tation

**113.** In this Part, "Niagara Police Board" means the Niagara Regional Board of Commissioners of Police.

Area muni-  
cipality  
deemed city  
over 15,000

R.S.O. 1960,  
c. 298

Boards  
dissolved

Boards  
to be  
constituted

Niagara  
Regional  
Board  
established

**114.**—(1) For the year 1970, each area municipality shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*.

(2) All boards of commissioners of police having jurisdiction in the Regional Area on the 31st day of December, 1969 are dissolved on the 1st day of January, 1970.

(3) On the 1st day of January, 1970, a board of commissioners of police shall be constituted in accordance with subsection 2 of section 7 of *The Police Act* for the year 1970 for each area municipality.

**115.**—(1) Notwithstanding *The Police Act*, on the 1st day of January, 1970, a board of commissioners of police shall be constituted to be known as the Niagara Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of the county court of the Judicial District of Niagara North or the Judicial District of Niagara South designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

Quorum

(2) Three members of the Niagara Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Remunera-  
tion

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act* to the members of the Niagara Police Board appointed by the Lieutenant Governor in Council and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Estimates  
of area  
boards in  
1970

(4) The estimates for the year 1970 of the board of commissioners of police of each area municipality shall be submitted to the Niagara Police Board before the 1st day of February, 1970, and, upon receipt of the estimates of all such



boards, the Niagara Police Board shall consider the estimates and approve them in whole or in part and shall notify each such board of the extent to which its estimates have been approved.

(5) The Niagara Police Board shall submit to the Regional Council on or before the 1st day of March, 1970, its estimates including the aggregate of the estimates as approved under subsection 4.

Estimates  
of Niagara  
Board in  
1970

**116.** On and after the 1st day of January, 1971,

Regional  
Corporation  
deemed city  
under  
R.S.O. 1960,  
c. 298

(a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*; and

(b) *The Police Act* does not apply to any area municipality.

**117.**—(1) For the year 1970, the cost of maintaining, operating and administering the police force in each area municipality shall be borne by the Regional Corporation.

Cost of  
operating  
police

(2) At the request of the Niagara Police Board, the Regional Council in the year 1970 shall, subject to subsection 3 of section 13 of *The Police Act*, pass by-laws providing for imposing on and collecting from any area municipality a sum sufficient to pay the proportion of the estimates submitted by the Niagara Police Board under subsection 5 of section 115 that the amount of the estimates, as approved, of the board of the area municipality is of the total of the estimates, as approved, submitted under subsection 4 of section 115.

Levy  
against  
area muni-  
cipalities

(3) An area municipality may pay the amounts chargeable to it,

Rates for  
cost of  
policing

(a) under a by-law passed under subsection 2; or

(b) in respect of maintaining, operating and administering the Niagara Regional Police Force under section 126,

out of its general funds or, subject to the approval of the Ontario Police Commission, by levying rates that are different between areas defined by the council or by levying rates in one or more such areas only.

(4) Subject to the approval of the Ontario Police Commission, the council of an area municipality may grant entire or partial exemption from any rate or rates levied under subsection 3 to lands and buildings used exclusively for farming purposes.

Farm lands



Area police  
force

**118.**—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of July, 1969, and continues to be a member until immediately before the 1st day of January, 1970, shall, on the 1st day of January, 1970, become a member of the police force of the area municipality that includes the local municipality, and the provisions of subsections 2 to 5 of section 27 apply to such members, but no member shall receive in the year 1970 any benefits of employment less favourable than those he was receiving from the local municipality.

Niagara  
Regional  
Police Force

(2) Every person who is a member of a police force of an area municipality on the 31st day of December, 1970, becomes a member of the Niagara Regional Police Force on the 1st day of January, 1971, and is subject to the government of the Niagara Police Board to the same extent as if appointed by the Niagara Police Board.

Terms of  
employment

(3) Every person who becomes a member of the Niagara Regional Police Force under subsection 2 shall,

- (a) be deemed to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Niagara Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System;
- (b) have a retirement age of sixty years of age;
- (c) have credited to him in the Niagara Regional Police Force the total number of years of service that he had in the police forces of the local and area municipality;
- (d) receive such sick leave credits in the sick leave credit plan which shall be established by the Niagara Police Board as he had standing to his credit in the plan of the area municipality; and
- (e) not be assigned without his consent to serve on a permanent basis at a location in the Regional Area more than five miles distant from the area municipality in which he was formerly employed, provided that he was a permanent member of the police force of a local municipality in the Regional Area before the 1st day of July, 1969.

Bargaining

**119.** Before the 1st day of February, 1970, the members of the police forces of all area municipalities shall appoint a

joint bargaining committee to represent all police forces in the area municipalities to bargain with the Niagara Police Board in the manner and for the purposes provided in *The Police Act*, and the Niagara Police Board shall be the sole negotiating body to bargain with such committee.

R.S.O. 1960,  
c. 298

**120.**—(1) The Regional Council shall, before the 1st day of January, 1971, pass by-laws which shall be effective on such date assuming for the use of the Niagara Police Board any such land or building that the Niagara Police Board may require that is vested on the 1st day of July, 1970, in any area municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that area municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

Assumption  
of buildings

(2) No area municipality, before the 1st day of January, 1971, shall without the consent of the Niagara Police Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

Sale by  
area  
municipalities  
limited

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1971, and in that case the by-law shall become effective on the date provided therein.

Extension  
of time

(4) Where any part of a building mentioned in subsection 1 is used by the area municipality or a local board thereof for other than police purposes, the Regional Corporation may,

Building  
not used  
exclusively  
for police  
force

(a) where practicable assume only the part of the building and land appurtenant thereto used for the purposes of the police force of the area municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with the area municipality or local board thereof for the use of a part of the building by the area municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Regional Corporation assumes any property under subsection 1 or 3,

Regional  
Corporation  
liability

(a) no compensation or damage shall be payable to the area municipality or local board except as provided in this subsection;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation;

(c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1970, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

Default (6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Accommodation (7) Where a building vested in an area municipality or local board is used partly by the police force of the area municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Niagara Police Board shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Niagara Police Board as was being provided by the area municipality for its police force on the 1st day of July, 1970, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Office supplies, etc. (8) At the request of the Niagara Police Board, each area municipality, for the use of the Niagara Police Board,

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1971, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of

the area municipality on the 1st day of January, 1971, on the same terms and to the same extent as the police force used the property before such date.

(9) No area municipality, without the consent of the Niagara Police Board, shall dispose of any personal property referred to in subsection 8 owned by the area municipality on the 1st day of July, 1970 or thereafter. Disposal of personal property

(10) All signal and communication systems owned by any area municipality and used for the purposes of the police force of the area municipality on the 1st day of July, 1970, or thereafter are vested in the Regional Corporation for the use of the Niagara Police Board on the 1st day of January, 1971, and no compensation shall be payable to the area municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system. Signal system transferred

(11) In the event of any doubt as to whether, Settling of doubts

(a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or

(b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

**121.** The Regional Corporation shall provide all real and personal property necessary for the purposes of the Niagara Police Board. Property to be provided

**122.** This Part comes into force on the 1st day of January, 1970. Commencement of Part

## PART IX

### FINANCES

**123.** In this Part, "rateable property" includes business and other assessment made under *The Assessment Act*. Interpretation R.S.O. 1960, c. 23

**124.** Section 302 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. Investment of moneys not immediately required R.S.O. 1960, c. 249



## YEARLY ESTIMATES AND LEVIES

Yearly  
estimates

**125.**—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe.

Allowance  
to be made  
in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Department may approve but shall not make any allowance for payments to be received during the current year under section 7 of *The Municipal Unconditional Grants Act*.

R.S.O. 1960,  
c. 259

Surplus or  
operating  
deficit of  
Regional  
Council

(3) The surplus or the operating deficit for which the Regional Council shall make due allowance in preparing the estimates for the year 1970 shall be determined by aggregating,

(a) the audited surplus or operating deficit of the County of Lincoln and the audited surplus or operating deficit of the County of Welland at the 31st day of December, 1969; and



(b) a sum equivalent to the total of the audited surpluses and operating deficits and any reserves established under subsection 2 of section 297 of *The Municipal Act* which are transferred from the County of Lincoln and the County of Welland to the Regional Corporation under this Act.

R.S.O. 1960,  
c. 249

Payment  
by cities

(4) The sum referred to in clause *b* of subsection 3 shall be apportioned among the City of Niagara Falls, the City of Port Colborne, the City of St. Catharines and the City of Welland in the proportion that the equalized assessment for each city respectively, as ascertained under section 126 for the purpose of apportioning the regional levy for 1970, bears to the total of the equalized assessment so ascertained for the four cities, and the amount apportioned to each city shall be paid by the city to the Regional Corporation not later than the 30th day of June, 1970.



Levy on  
area muni-  
cipalities

**126.**—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

(a) for payment of the estimated current annual expenditures as adopted; and

- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law <sup>Apportionment</sup> direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

(3) Subject to subsection 10, all amounts levied under <sup>Idem</sup> subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

(4) The Department shall revise and equalize the last <sup>Equalized assessment</sup> revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Department shall be deemed to be the last revised assessment rolls of the area municipalities.

(5) Subsection 4 shall cease to apply on a date to be <sup>When subs. 4 ceases to apply</sup> determined by order of the Minister.

(6) Upon completion by the Department of the revision <sup>Copy to Regional Corporation and area municipality</sup> and equalization of assessment, the Department shall notify the Regional Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality.

(7) If any area municipality is not satisfied with the <sup>Appeal</sup> assessment as revised and equalized by the Department, the area municipality may appeal from the decision of the Department by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Department.

(8) Every notice of revision and equalization made under <sup>Idem</sup> this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization.

(9) Where the last revised assessment of the area municipality has been revised and equalized by the Department <sup>Amendment of by-law where necessary following appeal</sup> and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal,

amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the financial officer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the financial officer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the financial officer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed  
assessments,  
etc., not  
to apply

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 39 of *The Assessment Act* or partial or total exemption from assessment or taxation applies thereto, except as provided in section 4 of *The Assessment Act*.

R.S.O. 1960,  
c. 23

Assessment  
upon which  
levy appor-  
tioned to  
include  
valuations  
on prop-  
erties for  
which pay-  
ments in  
lieu of taxes  
paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality.

Valuations  
of properties  
in respect  
of which  
grants in  
lieu of taxes  
received

(12) The clerk of an area municipality shall transmit to the Department, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Department shall revise and equalize the valuations, and shall thereupon notify the Regional Corporation of the revised and equalized valuations.

Levy  
by-laws

(13) One by-law or several by-laws for making the levies may be passed as the Regional Council may deem expedient.

Regional  
levy

(14) Subject to subsections 5, 6 and 7 of section 57 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property



rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the financial officer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2. Payment

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

**127.** In sections 128 and 130,

(a) "commercial assessment" means the total of,

Residential  
and com-  
mercial  
assessment  
defined

- (i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan or regional corporation or local board thereof, and
- (ii) the business assessment, and
- (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies, and the assessment of lands not liable for business assessment under subsection 2 of section 9 of *The Assessment Act*, R.S.O. 1960,  
c. 23

according to the last revised assessment roll;

- (b) "residential assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a.

**128.**—(1) Any moneys received by the Regional Corporation under section 7 of *The Municipal Unconditional Grants Act* shall be credited to each of the area municipalities in the proportion that the residential assessment of each such area municipality bears to the residential assessment of the Regional Area. Credit of  
payments  
under  
R.S.O. 1960,  
c. 259 s. 7



Credits  
to be  
included in  
estimates

(2) Where the amount credited to an area municipality under subsection 1 is less than the amount specified in the Schedule to this section, the Regional Council shall credit to that area municipality a sum sufficient to increase the amount credited under subsection 1 to the amount specified in the Schedule, and the Regional Council shall include such sum in the estimates to be adopted under subsection 1 of section 125.

Rates

R.S.O. 1960,  
c. 249

(3) The council of each area municipality shall levy, as provided by this section, the sums adopted for general purposes in accordance with section 297 of *The Municipal Act*, together with a sum equal to the aggregate of the sums required by law to be provided by the council for the Regional Corporation or any board, commission or other body, but not the sums required to be levied under section 130 of this Act.

Equaliza-  
tion of  
assessment  
of merged  
areas

(4) The Department shall revise and equalize, by the application of the latest equalization factors of the Department, each part of the last revised assessment rolls of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and equalized is final and binding.

Notice

(5) Upon completion by the Department of the revision and equalization of assessment in an area municipality under subsection 4, the Department shall notify the area municipality of the revised and equalized assessment.

Levy on  
commercial  
assessment

(6) The amount to be raised by an area municipality in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied in accordance with subsection 3 that the commercial assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 4.

Levy on  
residential  
assessment

(7) The amount to be raised by an area municipality in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum levied under subsection 3 that the residential assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 4, reduced by the sum equal to the estimated amount credited to the area municipality in accordance with subsections 1 and 2.

Apportion-  
ment among  
merged  
areas

(8) The sums levied under subsection 3 shall be apportioned among the merged areas of each area municipality in the following manner:

Commercial

1. The amount, as ascertained in accordance with subsection 6, to be raised by the area municipality in

each year by levy on the commercial assessment shall be apportioned among the merged areas in the proportion that the total commercial assessment in each merged area bears to the total commercial assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 4.

2. The amount, as ascertained in accordance with sub-<sup>Residential</sup>section 7, to be raised by the area municipality in each year by levy on the residential assessment shall be apportioned among the merged areas in the proportion that the total residential assessment in each merged area bears to the total residential assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 4.

(9) The council of the area municipality shall levy on the <sup>Levy on commercial assessment in merged areas</sup>whole of the commercial assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 1 of subsection 8.

(10) The council of the area municipality shall levy on the <sup>Levy on residential assessment in merged areas</sup>whole of the residential assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 2 of subsection 8.

(11) The provisions of subsections 3, 4, 5, 6, 7, 8, 9 and 10 <sup>When provisions cease to apply</sup>of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 126.

## SCHEDULE

<u>Area Municipality</u>	<u>Amount</u>
Town of Beamsville.....	\$ 75,000
Town of Fort Erie.....	125,000
Town of Grimsby.....	79,500
City of Niagara Falls.....	377,500
Town of Niagara-on-the-Lake.....	72,000
Town of Pelham.....	47,500
City of Port Colborne.....	127,500
City of St. Catharines.....	617,000
Town of Thorold.....	94,000
Township of Wainfleet.....	27,000
City of Welland.....	256,500
Township of West Lincoln.....	39,000

Levy by  
Regional  
Council  
before  
estimates  
adopted

**129.**—(1) Notwithstanding section 126, in the year 1970 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1969 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 126, and subsections 15 and 16 of section 126 apply to such a levy.

Idem

(2) Notwithstanding section 126, in 1971 and subsequent years the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 15 and 16 of section 126 apply to such a levy.

Levy under  
s. 126 to be  
reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 126.

Levy by  
area muni-  
cipality  
before  
estimates  
adopted

(4) Notwithstanding section 128, until the date determined by the Minister under subsection 5 of section 126, the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Business  
assessment

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied under section 130 of *The Assessment Act*, the council, notwithstanding section 128, until the date determined by the Minister under subsection 5 of section 126, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

R.S.O. 1960,  
c. 23

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 128. Levy under s. 128 to be reduced

(7) Subsection 3 of section 294a of *The Municipal Act* applies to levies made under this section. Application of R.S.O. 1960, c. 249, s. 294a, subs. 3

(8) Section 294a of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 126. R.S.O. 1960, c. 249, s. 294a not to apply

**130.**—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each of such merged areas. Rates under R.S.O. 1960, c. 368

(2) The amounts required to be levied and collected by an area municipality for public school purposes on commercial assessment and residential and farm assessment as determined under section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total assessment for public school purposes in each merged area bears to the total assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128. Rates for public school purposes R.S.O. 1960, c. 361

(3) The amounts required to be levied and collected by an area municipality for secondary school purposes on commercial assessment and residential and farm assessment as determined under section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total assessment for secondary school purposes in each merged area bears to the total assessment for secondary school purposes in the area municipality both as equalized by the Department in accordance with subsection 4 of section 128. Rates for secondary school purposes

(4) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 126. Application of section

**131.**—(1) For the period from the 31st day of December, 1969, to the 1st day of January, 1975 the Minister may, for each year by order, provide that in such year the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this subsection. Transitional adjustments



Amounts of adjustments to be included in estimates

(2) The Regional Council shall include in the estimates to be adopted in accordance with subsection 1 of section 125 for each year specified by the Minister under subsection 1 of this section the amounts of the adjustments in the tax levy in any area municipality as a result of an order under subsection 1 of this section and shall make a corresponding adjustment in the amount levied on each such area municipality under subsection 1 of section 126.

Area municipality treasurers to certify adjustments

(3) The treasurer of each of the area municipalities in respect of which the Minister has made an order under subsection 1 in each of the years specified shall, before the adoption of estimates by the Regional Council, certify to the financial officer of the Regional Corporation the amount of the adjustment of tax in each of the merged areas in the area municipality under subsection 1.

Allowances to be made in estimates of area municipalities in 1970  
R.S.O. 1960, c. 249

**132.—**(1) For the purpose of subsection 2 of section 297 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1970 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Merged areas

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1970, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1969.

Idem

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1970, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Audited surpluses or operating deficits of certain cities

(4) For the purpose of this section and section 134, the audited surplus or operating deficit of each of the cities of Niagara Falls, Port Colborne, St. Catharines and Welland at the 31st day of December, 1969, shall be that part of the audited surplus or operating deficit of the city that does not form part of the surplus or operating deficit of the Regional Corporation as required by subsection 3 of section 125.

## RESERVES

**133.** Where, under subsection 2 of section 297 of *The Municipal Act*, the County of Lincoln or the County of Welland has established reserves, those reserves shall become the reserves of the Regional Corporation.

Reserves of  
Regional  
Corporation  
R.S.O. 1960,  
c. 249

## ADJUSTMENTS

**134.**—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 297 of *The Municipal Act*.

Interpre-  
tation

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1969, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 3, shall be provided for by adjustment of the tax rate in the year 1970.

Surplus or  
deficit at  
December  
31, 1969  
to be  
applied to  
supporting  
assessment

(3) Where, in the opinion of the Minister, the operation of this section would cause substantial hardship to the taxpayers in a particular merged area within any area municipality he may, by order, provide that the necessary adjustment in the tax rate be made over a period of not more than five years.

Adjust-  
ments may  
be spread  
over five  
years by  
order

**135.**—(1) The Minister may, on or before the 1st day of September, 1969, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of Crowland, the Township of Humberstone, the Township of Louth, the Township of Thorold and the Township of Willoughby.

Arbitration

(2) Such committees shall consist of the treasurers of municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds including the treasurers of the divided municipality whose assets, liabilities or reserve funds are to be considered, and such other person or persons as the Minister may appoint.

Idem.

(3) Before the 31st day of December, 1969, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1970.

Provisional  
determina-  
tion

Final deter-  
mination

(4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1969, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 10 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1960,  
c. 249

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Substantial  
hardship

(7) Where, in the opinion of the Minister, any financial settlement arising from the application of this section would cause substantial hardship to the taxpayers of an area municipality, he may, by order, provide that such settlement be made over a period not exceeding five years.

Documents  
and records  
of divided  
municipi-  
palities

(8) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality to which the greater or greatest portion of the assessment of the divided municipality, according to the latest revised assessment roll, is transferred, and such documents and records shall be made available to any official of any area municipality to which any other portion of the assessment of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

#### RESERVE FUNDS

Reserve  
funds of  
municipi-  
palities

**136.**—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Idem

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the



councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

**137.**—(1) The Regional Council may in each year, if <sup>Reserve funds</sup> authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment <sup>Investments and income</sup> <sup>R.S.O. 1960, c. 408</sup> of such moneys form part of the reserve fund.

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established <sup>Expenditure of reserve fund moneys</sup> without the approval of the Department.

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1. <sup>Auditor to report on reserve funds</sup>

#### TEMPORARY LOANS

**138.**—(1) The Regional Council may by by-law, either <sup>Current borrowings</sup> before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and financial officer to borrow from time to time by way of promissory note such sums as the Regional Council may deem necessary to meet, until the levies are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

(2) The amount that may be borrowed at any one time for <sup>Limit upon borrowings</sup> the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.



Temporary  
application  
of estimates  
of preceding  
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1970 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Municipal Board.

Protection  
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution  
of promissory  
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the financial officer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation  
of charge

(6) The Regional Council may by by-law provide or authorize the chairman and financial officer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received; provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution  
of  
agreements

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and financial officer.

Penalties  
for excess  
borrowings

(8) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty for  
misapplication  
of  
revenues by  
Regional  
Council

(9) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for  
misapplication  
of  
revenues by  
officials

(10) If any member of the Regional Council or officer of the Regional Corporation applies any revenues so charged other-

wise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(11) Subsections 8, 9 and 10 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Department of Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. <sup>Saving as to penalties</sup> <sup>R.S.O. 1960, c. 98</sup>

#### DEBT

**139.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of, <sup>Debt</sup> <sup>R.S.O. 1960, c. 274</sup>

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves. <sup>Liability</sup>

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1969, power to issue debentures. <sup>Limitation</sup>

(4) When an area municipality, prior to the 31st day of December, 1969, <sup>Uncompleted works</sup>

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and <sup>R.S.O. 1960, c. 274</sup>

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 142, and no further approval of the Municipal Board is required.

Bonds,  
debentures,  
etc.,  
trustee  
investments  
R.S.O. 1960,  
c. 408

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

Power to  
incur debt  
or issue  
debentures  
R.S.O. 1960,  
c. 274

**140.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 139 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Idem

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

R.S.O. 1960,  
c. 274

Hearing

**141.**—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 64 of *The Ontario Municipal Board Act* on the application of the Regional Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter.

R.S.O. 1960,  
c. 274

Notice

(2) Notice of the hearing shall be given to the officer of the Regional Corporation appointed under section 20 and

to the clerk of each area municipality in such manner as the Municipal Board may direct.

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation. <sup>Dispensation with hearing</sup>

(4) The Municipal Board may direct that an applicant give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the Regional Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and, if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing. <sup>Idem</sup>

**142.**—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan. <sup>Borrowing pending issue and sale of debentures</sup>

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council pending the issue and sale of the debentures may, and on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality. <sup>Idem</sup>

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan. <sup>Interest on proceeds transferred</sup>

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to <sup>Application of proceeds of loan</sup>



see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 154, shall be transferred to the area municipality.

Hypothecation not to prevent subsequent sale of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal and interest payments

**143.**—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When debentures to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy against area municipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by area municipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation. Levies a debt

(8) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or vice versa and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. By-law to change mode of issuing debentures

(9) All the debentures shall be issued at one time and within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law. Debentures when to be dated and issued

(10) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date. Date of debentures

(11) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year. Idem

(12) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law. Extension of time for issue

(13) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set. Application after time expired

Effective  
date

(14) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Consolida-  
tion

(15) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consol-  
idating  
debenture  
by-laws  
R.S.O. 1960,  
c. 249

(16) Section 283 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Redemption  
before  
maturity

(17) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption, and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments

are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(18) The by-law may provide that the debentures to be <sup>Currency</sup> issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;  
or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain.

(19) Where under the provisions of the by-law debentures <sup>Annual rates</sup> issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(20) When sinking fund debentures are issued, the amount <sup>Principal levies</sup> of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding  $3\frac{1}{2}$  per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

(21) When sinking fund debentures are issued, the sinking <sup>Consolidated bank accounts</sup> fund committee shall keep one or more consolidated bank accounts in which,

- (a) the financial officer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.



Sinking  
fund  
committee

(22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the financial officer of the Regional Corporation and two members appointed by the Lieutenant Governor in Council, and the two appointed members shall be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Lieutenant Governor in Council may determine.

Alternate  
members

(23) The Lieutenant Governor in Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

Chairman

(24) The financial officer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(25) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 234 of *The Municipal Act* apply with respect to such security.

R.S.O. 1960,  
c. 249

Quorum

(26) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Control of  
sinking  
fund  
assets

(27) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

With-  
drawals  
from bank  
accounts

(28) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Investments

(29) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

Idem

(30) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1960,  
c. 408

(a) in securities in which a trustee may invest under *The Trustee Act*;

- (b) in debentures of the Regional Corporation;
- (c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;
- (d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

(31) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Deposit of  
securities  
with  
Treasurer of  
Ontario

(32) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 31 only upon the direction in writing of the sinking fund committee.

Release of  
securities  
by  
Treasurer of  
Ontario

(33) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Sinking  
fund  
accounts

(34) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by,

Earnings  
credited to  
sinking  
fund  
account

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 20 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 20 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account, mentioned in clause *a*.

(35) The financial officer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Sinking  
fund  
require-  
ments

## Offence

(36) If the financial officer of the Regional Corporation contravenes subsection 21 or 35, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

## Failure to levy

(37) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

## Where amount in sinking fund account more than sufficient to pay debt

(38) Notwithstanding this or any other Act or by-law, 'if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

## No diversion of sinking funds

(39) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

## Surplus

(40) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
  - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
  - (ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
  - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(41) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 40.

**144.**—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 142 shall not constitute a sale or other disposal thereof.

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such



special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council.

Repeal of  
by-law  
when  
part only of  
money to be  
raised

**145.**—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

When  
to take  
effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until  
debt paid  
certain  
by-laws  
cannot be  
repealed

**146.**—(1) Subject to section 145, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Application  
of payments

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the money so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for  
neglect of  
officer to  
carry out  
by-law

**147.** Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money  
by-laws  
may be  
registered

**148.**—(1) Within four weeks after the passing of a money by-law, the officer appointed under section 20 may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the Registry Offices for the Registry Divisions of the Judicial Districts of Niagara North and of Niagara South.

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act, 1962-63* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be.

Application to quash registered by-law, when to be made  
R.S.O. 1960, c. 274  
1962-63, c. 39  
R.S.O. 1960, c. 223

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Dismissal of application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 140, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 143 have not been substantially complied with.

Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Failure to register

**149.**—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the financial officer.

Debentures, how sealed and executed

Interest  
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the financial officer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the financial officer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical  
repro-  
duction of  
signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the financial officer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of  
mechanical  
repro-  
duction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the financial officer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the financial officer, as the case may be, and is binding upon the Regional Corporation.

Sufficiency  
of  
signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures  
on which  
payment  
has been  
made for  
one year to  
be valid

**150.** Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Mode of  
transfer  
may be  
prescribed

**151.—**(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the financial officer of this Corporation

(or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

.....

of .....

the financial officer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the financial officer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by entry in Debenture Registry Book

**152.** Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replacement of lost debentures

**153.—**(1) On request of the holder of any debenture issued by the Regional Corporation, the financial officer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of debentures



On request  
of sinking  
fund  
committee

(2) On the request of the sinking fund committee, the financial officer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

New  
debentures  
of same  
force and  
effect as  
debentures  
surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures  
surrendered  
for exchange  
to be  
cancelled

(4) The financial officer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application  
of proceeds  
of  
debentures

**154.**—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation, to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

**155.** Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 154 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

**156.** When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

**157.—**(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
  - (i) an additional account for the interest, if any, and
  - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated  
interest  
account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application  
of surplus  
money

**158.** If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

Liability of  
members

**159.**—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by  
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Disqual-  
ification

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing  
of  
debentures

**160.** When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption;

- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

**161.** The amount of the indebtedness of any area municipality at any one time for the purpose of *The Tile Drainage Act* shall not exceed the amounts stated in the Schedule to this section. Indebtedness for tile drainage R.S.O. 1960, c. 399

## SCHEDULE

Area Municipality	Amount of Indebtedness
Town of Beamsville.....	\$1,324,000
Town of Fort Erie.....	1,645,000
Town of Grimsby.....	1,000,000
City of Niagara Falls.....	1,625,000
Town of Niagara-on-the-Lake.....	1,000,000
Town of Pelham.....	1,022,000
City of Port Colborne.....	790,000
City of St. Catharines.....	677,000
Town of Thorold.....	964,000
Township of Wainfleet.....	500,000
City of Welland.....	957,000
Township of West Lincoln.....	1,300,000

**162.**—(1) This Part, except section 135, comes into force on the 1st day of January, 1970. Commencement of Part

(2) Section 135 comes into force on the day this Act receives Royal Assent. Idem

## PART X

### GENERAL

**163.**—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248*b* and 250*a*, paragraphs 3 and 22 of section 377 and section 410 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1960, c. 249

(2) For the purposes of subsection 2 of section 482 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be deemed to be by-laws passed by the council of a city. Deemed city under R.S.O. 1960, c. 249



Erections,  
annexations  
and  
amalgama-  
tions

(3) Sections 10, 11 and, subject to subsection 3 of section 2, section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Nuisances

(4) The Regional Corporation shall be deemed to be a local municipality for the purpose of paragraph 116 of subsection 1 of section 379 of *The Municipal Act*.

Delegation  
of approvals  
or consents

(5) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 2 of section 42, subsection 1 of section 58, subsection 2 of section 59 and subsection 2 of section 74 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

Deemed  
county for  
1961-62,  
c. 18

(6) For the purposes of *The Construction Safety Act, 1961-62*, the Regional Corporation shall be deemed to be a county and the area municipalities, except cities, shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed  
municipality  
R.S.O. 1960,  
c. 218

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of section 87 of *The Liquor Licence Act*.

By-laws

(8) On the 1st day of January, 1970,

(a) the by-laws of the former Township of Clinton, that would have extended under section 18 of *The Municipal Act* to that portion of the Township of Louth annexed to the Town of Beamsville under clause *a* of subsection 1 of section 2 had it been annexed to the Township of Clinton, extend and apply to such portion of the Township of Louth;

R.S.O. 1960,  
c. 249

(b) the by-laws of the former Township of Bertie, that would have extended under section 18 of *The Municipal Act* to that portion of the Township of Willoughby annexed to the the Town of Fort Erie under clause *b* of subsection 1 of section 2 had it been annexed to the Township of Bertie, extend and apply to such portion of the Township of Willoughby;

R.S.O. 1960,  
c. 249

(c) the by-laws of the former City of Niagara Falls, that would have extended under section 18 of *The Municipal Act* to those portions of the townships of

Crowland, Humberstone and Willoughby annexed to the City of Niagara Falls under clause *d* of subsection 1 of section 2 had they been annexed under section 18 of *The Municipal Act* to the former City of Niagara Falls, extend and apply to such portions of such townships;

R.S.O. 1960,  
c. 249

- (*d*) the by-laws of the former Village of Fonthill that would have extended under section 18 of *The Municipal Act* to that portion of the Township of Thorold annexed to the Town of Pelham under clause *f* of subsection 1 of section 2 had it been annexed to the Village of Fonthill, extend and apply to such portion of the Township of Thorold;
- (*e*) that portion of the Township of Thorold annexed to the Town of Thorold under clause *i* of subsection 1 of section 2 shall be deemed to be amalgamated with the Town for the purpose of subsection 2 of section 17 of *The Municipal Act*.

**164.**—(1) The Regional Council may pass by-laws,

Emergency  
measures  
civil  
defence

- (*a*) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (*b*) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 378 of *The Municipal Act* have no effect.

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of  
Regional  
Council re  
emergency  
measures

- (*a*) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (*b*) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;

(c) for appointing members of the emergency measures planning committee or of any subcommittee thereof, to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act, 1962-63*;

R.S.C. 1952,  
c. 288,  
1962-63,  
c. 41

(d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;

(e) for obtaining and distributing emergency materials, equipment and supplies; and

(f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

Expenditures for  
diffusing  
information

**165.** The Regional Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Grants to  
persons  
engaged in  
work advan-  
tageous to  
Regional  
Area

**166.** The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 126, to institutions, associations and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment of  
damages to  
employees  
R.S.O. 1960,  
c. 437

**167.** Where in an action or by the settlement of a claim arising out of an injury to an employee or to any person deemed an employee for the purposes of *The Workmen's Compensation Act* the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Investigation by  
county judge  
of charges of  
malfeasance

**168.—(1)** Where the Regional Council passes a resolution requesting a judge of either of the county courts within the Regional Area or a judge of the county court of a county adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other



misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*,<sup>R.S.O. 1960, c. 323</sup> and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.<sup>Fees payable to judge R.S.O. 1960, c. 197</sup>

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.<sup>Engaging counsel</sup>

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he deems advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

**169.**—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*.<sup>Commission of inquiry</sup>

(2) A commission may be recommended at the instance of the Department or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.<sup>When commission may issue</sup>

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.<sup>Expenses of commission</sup>



Entry on  
highways,  
etc.

**170.** The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements  
re services

**171.** The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment.

Application  
of  
R.S.O. 1960,  
c. 23

**172.—**(1) For the purposes of paragraph 9 of section 4 and section 43 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Regional  
Corporation  
and area  
municipalities  
not deemed  
tenants

(2) For the purposes of paragraph 9 of section 4 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be deemed to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpre-  
tation

(3) In subsection 2, "Regional Corporation" and "area municipality" include a local board thereof.

Executions  
against  
Regional  
Corporation

**173.—**(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the financial officer of the Regional Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the

portion of the amount mentioned in the statement that shall be levied against and in each area municipality.

3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff deems sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Niagara" (Adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Functions  
of clerk,  
assessors  
and  
collectors

Counties dissolved

**174.**—(1) The Corporation of the County of Lincoln and The Corporation of the County of Welland are dissolved on the 1st day of January, 1970.

Assets and liabilities

(2) All the assets and liabilities of the counties of Lincoln and Welland become, on the 1st day of January, 1970, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Lincoln or the County of Welland shall be transferred to the officer appointed under section 20.

Suburban roads commissions dissolved

**175.**—(1) All suburban roads commissions in the Regional Area are dissolved on the 1st day of January, 1970.

Assets and liabilities,

(2) All the assets and liabilities of the roads commissions dissolved under subsection 1 become, on the 1st day of January, 1970, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commissions shall be transferred to the officer appointed under section 20.

Adjustment of assets, etc.

R.S.O. 1960, c. 249

**176.**—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation may exercise any of the powers under clauses *a, b* and *d* of subsection 10 of section 14 of *The Municipal Act* in relation to the dissolution of the counties of Lincoln and Welland and the dissolution of the Niagara District Health Unit and suburban roads commissions under this Act.

Disputes

R.S.O. 1960, c. 274

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

Conditional powers

**177.** The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purposes of this Act.

Conflict with other Acts

**178.** The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Municipal buildings

**179.**—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and
- (b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

(2) Section 252 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section. Application of R.S.O. 1960, c. 249

**180.**—(1) In this section, “waste” includes ashes, garbage, refuse and domestic or industrial waste of any kind. Interpretation

(2) Where an area municipality has requested the Regional Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the Regional Corporation and the area municipality may enter into an agreement for the use and operation of such facilities. Agreement

(3) For the purposes of an agreement under subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste. Waste disposal sites

(4) A by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* does not apply to the Regional Corporation. Application of by-law under R.S.O. 1960, c. 249, s. 379, subs. 1, par. 112

(5) For the purposes of subsection 3, paragraph 76 of subsection 1 of section 379 of *The Municipal Act* applies *mutatis mutandis*. Acquisition of land for waste disposal

**181.** The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it deems necessary to implement such plan and program. Regional Fire Co-ordinator

**182.**—(1) On and after the 1st day of January, 1970, no area municipality shall be required to comply with section 111 of *The Power Commission Act*. Application of R.S.O. 1960, c. 300, s. 111



Powers of  
utilities  
commissions  
transferred  
to area  
municipality  
or Regional  
Corporation

(2) The public utilities commissions that have control and management of the distribution and supply of electrical power and energy and hydro-electric commissions within the Regional Area are continued for the year 1970 as local boards of the area municipality in which they have jurisdiction and the powers and duties of every such public utility commission, except with respect to the distribution and supply of electrical power and energy, shall become on the 1st day of January, 1970, powers and duties of an area municipality or the Regional Corporation as required by this Act.

Distribution  
of electrical  
power

(3) Where, on the 31st day of December, 1969, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until the 1st day of January, 1971, to distribute and sell power within such area.

Members of  
commissions  
continued  
in office

(4) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until the 1st day of January, 1971 and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Commis-  
sions  
dissolved

(5) All public utilities commissions and waterworks commissions within the Regional Area except those referred to in subsection 2 are hereby dissolved on the 1st day of January, 1970, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission.

Boards in  
St.  
Catharines  
dissolved

**183.**—(1) The following boards and committees of the City of St. Catharines are hereby dissolved on the 1st day of January, 1970:

1. St. Catharines Community Centres Board;
2. Merritton Ward Community Centre Board;
3. St. Catharines Recreation Committee;
4. The Board of Park Management of St. Catharines,

and on such date all the assets and liabilities of such boards and committees become the assets and liabilities of The Corporation of the City of St. Catharines without compensation.

(2) The council of the City of St. Catharines shall be deemed to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Council  
of St.  
Catharines  
deemed  
community  
centre  
board, etc.  
R.S.O. 1960,  
cc. 94, 60

(3) The employees of any board or committee dissolved under this section who were employed by such board or committee on the 1st day of April, 1969, and continue to be so employed until the 31st day of December, 1969, shall be offered employment by the council of the City of St. Catharines, and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1970, not less than he was receiving on the 1st day of April, 1969.

Employees

(4) Subsections 10 and 11 of section 27 apply *mutatis mutandis* to any employee who accepts employment under subsection 3.

Application  
of s. 27

**184.** The Regional Corporation shall be deemed to be a local municipality for the purposes of paragraph 9 of section 377 of *The Municipal Act*.

Regional  
Corporation  
deemed  
municipality  
under  
R.S.O. 1960,  
c. 249, s. 377,  
par. 9.

**185.**—(1) This Part comes into force on the day this Act receives Royal Assent.

Commence-  
ment  
of Part

(2) Section 1 comes into force on the day this Act receives Royal Assent.

Idem

**186.** This Act may be cited as *The Regional Municipality of Niagara Act, 1968-69*.

Short title

## FORM 1

(Section 10 (5) )

### OATH OF ALLEGIANCE

I, . . . . ., having been elected (or appointed) as chairman of the council of The Regional Municipality of Niagara, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

## FORM 2

*(Section 10 (5) )*

## DECLARATION OF QUALIFICATION BY CHAIRMAN

I, . . . . ., having been elected (*or* appointed) as chairman of the council of The Regional Municipality of Niagara, declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of twenty-one years.
3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Regional Municipality of Niagara or any local board thereof or any area municipality or local board thereof.
5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.









An Act to establish  
The Regional Municipality of Niagara

*1st Reading*

June 4th, 1969

*2nd Reading*

June 9th, 1969

*3rd Reading*

MR. MCKEOUGH

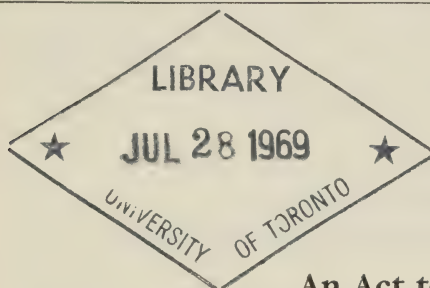
(Reprinted as amended by  
the Committee of the Whole House)

## BILL 174

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act to establish  
The Regional Municipality of Niagara**

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MR. McKEOUGH

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BILL 174

1968-69

## An Act to establish The Regional Municipality of Niagara

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### INTERPRETATION

#### 1. In this Act,

Interpre-  
tation

- (a) "area municipality" means the municipality or corporation of the Town of Beamsville, the Town of Fort Erie, the Town of Grimsby, the City of Niagara Falls, the Town of Niagara-on-the-Lake, the Town of Pelham, the City of Port Colborne, the City of St. Catharines, the Town of Thorold, the Township of Wainfleet, the City of Welland and the Township of West Lincoln, all as constituted or continued by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "Department" means the Department of Municipal Affairs;
- (f) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (g) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;

- (h) "land" includes lands, tenements, and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (i) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2;
- (k) "Minister" means the Minister of Municipal Affairs;
- (l) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 138;
- (m) "Municipal Board" means the Ontario Municipal Board;
- (n) "Regional Area",
  - (i) until the 1st day of January, 1970, means the area included within the counties of Lincoln and Welland, and
  - (ii) on and after the 1st day of January, 1970, means the area from time to time included within the area municipalities;
- (o) "Regional Corporation" means The Regional Municipality of Niagara;
- (p) "Regional Council" means the council of the Regional Corporation;

- (q) "regional road" means a road forming part of the regional road system established under Part V;
- (r) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

## PART I

### AREA MUNICIPALITIES

#### 2.—(1) On the 1st day of January, 1970,

Constitu-  
tion of  
area muni-  
cipalities

- (a) The Corporation of the Town of Beamsville and The Corporation of the Township of Clinton are amalgamated as a town municipality bearing the name of The Corporation of the Town of Beamsville and the portion of the Township of Louth, described as follows, is annexed to such town:

COMMENCING at a point in the southern boundary of the Township of Louth, where it is intersected by the southerly production of the line between lots 7 and 8 in Concession VIII of the said Township;

THENCE northerly to and along the line between lots 7 and 8 in concessions VIII, VII, VI and V respectively, to the middle of the main channel of the Fifteen Mile Creek, south of the King's Highway No. 8;

THENCE in a general northerly direction following the middle of the main channel of the Fifteen Mile Creek to its mouth at Lake Ontario;

THENCE northerly on the same course as the westerly boundary of the present Township of Louth, to the north boundary of the said Township as defined by subsection 2 of section 6 of *The Territorial Division Act*, being chapter 395 of the Revised Statutes of Ontario, 1960;

THENCE westerly along the north boundary of the Township of Louth as defined by subsection 2 of section 6 of *The Territorial Division Act*, to the northerly prolongation of the west boundary of the Township of Louth;

THENCE southerly along the last-mentioned prolongation being along the boundary between the Townships of Clinton and Louth, in accordance with the provisions of *The Territorial Division Act*, to the southerly high water mark of Lake Ontario;



THENCE southerly along the boundary between the present townships of Clinton and Louth to the southwest angle of the said Township of Louth;

THENCE easterly along the south boundary of the said Township of Louth being along the boundary between the townships of Louth and Pelham to the point of commencement;

- (b) The Corporation of the Town of Fort Erie, The Corporation of the Township of Bertie and The Corporation of the Village of Crystal Beach are amalgamated as a town municipality bearing the name of The Corporation of the Town of Fort Erie and the portion of the Township of Willoughby, described as follows, is annexed to such town:

COMMENCING at the southwest corner of Lot 30, Adjoining Cross Concession, of the Township of Willoughby;

THENCE northerly along the west limit of said Lot 30 and across the road allowance between the Cross and Adjoining Cross Concessions to the southwest corner of Lot 15, Cross Concession, of the Township of Willoughby;

THENCE easterly along the north limit of the last-mentioned road allowance to the southeast corner of Lot 20 in the Broken Front Concession, southeast angle, of said Township of Willoughby;

THENCE northerly along the easterly limit of Lot 20 and its prolongation northerly to the centre line of the road allowance between lots 2 and 3 in the Broken Front Concession, Niagara River of the Township of Willoughby;

THENCE easterly along the last-mentioned centre of road allowance and its prolongation to the International Boundary between Canada and the United States of America in the Niagara River;

THENCE southeasterly along the said International Boundary through the said Niagara River, to the easterly prolongation of the southern boundary of the said Township of Willoughby;

THENCE westerly along the last-mentioned prolongation and along the southerly boundary of the Township of Willoughby to the place of beginning.

- (c) The Corporation of the Town of Grimsby and The Corporation of the Township of North Grimsby are amalgamated as a town municipality bearing the name of The Corporation of the Town of Grimsby;
- (d) The Corporation of the City of Niagara Falls and The Corporation of the Village of Chippawa are amalgamated as a city municipality bearing the name of The Corporation of the City of Niagara Falls and the portions of the townships of Crowland, Humberstone and Willoughby, described as follows, are annexed to such city:

FIRSTLY, part of the Township of Crowland, commencing at the northeast angle of the Township of Crowland being at a point in the middle of the main channel of the Welland River;

THENCE westerly along the middle of the main channel of the Welland River being along the boundary between the Township of Crowland and the City of Niagara Falls, to the northerly prolongation of the line between lots 9 and 10 in the Broken Front Concession of the said Township of Crowland;

THENCE southerly to and along the line between lots 9 and 10 in the Broken Front Concession and between lots 9 and 10 in concessions I to VII both inclusive, and between lots 9 and 10 in the Gore and its extension southerly, to the southern boundary of the township of Crowland;

THENCE easterly along the southern boundary of the said Township being along the boundary between the townships of Crowland and Humberstone, to the southeast angle of the said Township of Crowland;

THENCE northerly along the eastern boundary of the Township of Crowland being along the boundary between the townships of Crowland and Willoughby, to the point of commencement;

SECONDLY, part of the Township of Humberstone, commencing at the southeast angle of the Township of Crowland;

THENCE westerly along the boundary between the townships of Humberstone and Crowland, to the southerly prolongation of the line between lots 9 and 10 in the Gore of the said Township of Crowland;

THENCE southerly to the northeast corner of Lot 10, Concession 5, in the Township of Humberstone;

THENCE southerly along the easterly limit of said Lot 10, 1,000 feet;

THENCE easterly parallel with the south limit of the road allowance between the said townships of Humberstone and Crowland and its production easterly, to the easterly boundary of the Township of Humberstone;

THENCE northerly along the boundary between the townships of Humberstone and Bertie, to the north-easterly angle of the Township of Humberstone;

THENCE westerly along the north boundary of the said Township of Humberstone to the point of commencement;

THIRDLY, part of the Township of Willoughby, commencing at the northwesterly angle of the Township of Willoughby being at a point in the middle of the main channel of the Welland River;

THENCE southerly along the west boundary of the Township of Willoughby being along the boundary between the townships of Willoughby and Crowland, to the southwestern angle of Lot 15, in the Cross Concession of the Township of Willoughby;

THENCE easterly along the north limit of the road allowance between the Cross and Adjoining Cross Concessions to the southeast angle of Lot 20 in the Broken Front Concession, southeast angle, of the said Township of Willoughby;

THENCE northerly along the east limit of the said Lot 20 and its prolongation northerly to the centre line of the road allowance between lots 2 and 3 in the Broken Front Concession, Niagara River, of the said Township of Willoughby;

THENCE easterly along the last-mentioned centre of road allowance and its prolongation, to the International Boundary between Canada and the United States of America in the Niagara River;

THENCE in a general northerly direction along the said International Boundary to the easterly prolongation of a straight line joining the middle of the main channel of the Welland River at the west limit of the Township of Willoughby, with the middle of the said river where it enters the Niagara River;

THENCE westerly along the last-mentioned prolongation to the east limit of the Village of Chippawa;

THENCE southeasterly, southwesterly, westerly and northerly along the boundaries of the said village, to the middle of the main channel of the Welland River;

THENCE westerly following the middle of the main channel of the Welland River being along the north boundary of the Township of Willoughby to the point of commencement;

- (e) The Corporation of the Town of Niagara and The Corporation of the Township of Niagara are amalgamated as a town municipality bearing the name of The Corporation of the Town of Niagara-on-the Lake;
- (f) The Corporation of the Township of Pelham and The Corporation of the Village of Fonthill are amalgamated as a town municipality bearing the name of The Corporation of the Town of Pelham and the portion of the Township of Thorold, described as follows, is annexed to such town:

COMMENCING at a point in the westerly boundary of the Township of Thorold where it is intersected by the southerly limit of the right-of-way of The Hydro-Electric Power Commission of Ontario, crossing Lot 163 of the Township of Thorold;

THENCE southeasterly and easterly along the southerly limit of the said right-of-way, across lots 163, 162, and 161 of the Township of Thorold



to the southerly limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway as shown on Deposit Plan No. 9;

THENCE easterly following the south limit of the last-mentioned right-of-way to a point in Lot 160 distant 660 feet measured easterly at right angles from the eastern limit of Rice Road in the said Township of Thorold;

THENCE southerly parallel with the eastern limit of Rice Road, to a point in a line midway between Merritt Road and Quaker Road, the said point being in the line between the north and south halves of Lot 174 in the said Township of Thorold;

THENCE westerly along the said midway line and its prolongation, to a point in the western limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway;

THENCE southerly along the westerly limit of the said right-of-way to the northern limit of the City of Welland;

THENCE westerly along the northern limit of the City of Welland, to the east boundary of the Township of Pelham;

THENCE northerly along the east boundary of the Township of Pelham, being along the boundary between the townships of Pelham and Thorold, to the south boundary of the Village of Fonthill;

THENCE following the boundaries of the said Village, easterly, northerly and westerly to the west boundary of the Township of Thorold;

THENCE northerly along the western boundary of the Township of Thorold to the point of commencement;

- (g) The portion of the Township of Humberstone, described as follows, is annexed to The Corporation of the City of Port Colborne:

COMMENCING at a point in the northern high water mark of Lake Erie where it is intersected by the easterly boundary of the said Township of Humberstone;

THENCE northerly along the said easterly boundary being along the boundary between the townships of Humberstone and Bertie, to a point distant 1,000 feet measured southerly thereon from the easterly production of the south limit of the allowance for road between the townships of Crowland and Humberstone;

THENCE westerly parallel to the south limit of the last-mentioned allowance for road and its production westerly to the west bank of the New Welland Ship Canal, now under construction;

THENCE southwesterly along the said west bank to its intersection with the east bank of the present ship canal;

THENCE northerly along the last-mentioned bank of the present ship canal to a point distant 1,000 feet measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone, known as The Forks Road;

THENCE westerly parallel with the last-mentioned limit of road allowance to the western boundary of the Township of Humberstone;

THENCE southerly along the west boundary of the said Township of Humberstone being along the boundary between the townships of Humberstone and Wainfleet to the northwestern angle of the City of Port Colborne;

THENCE following along the northern, eastern and southern boundaries of the said City of Port Colborne, to the boundary between the townships of Humberstone and Wainfleet;

THENCE southerly along the prolongation of the boundary between the said townships to the International Boundary between Canada and the United States of America;

THENCE northeasterly along the said International Boundary, to the southerly prolongation of the eastern boundary of the said Township of Humberstone;

THENCE northerly along the last-mentioned prolongation, to the point of commencement;

- (h) The portion of the Township of Louth, described as follows, is annexed to The Corporation of the City of St. Catharines:

COMMENCING at a point in the south boundary of the Township of Louth where it is intersected by the southerly prolongation of the line between lots 7 and 8 in Concession VIII;

THENCE northerly to and along the line between lots 7 and 8 across concessions VIII, VII, VI and V, to the middle of the main channel of the Fifteen Mile Creek south of the King's Highway Number 8;

THENCE northerly along the middle of the main channel of the Fifteen Mile Creek, to its outlet into Lake Ontario;

THENCE northerly on the same course as the westerly boundary of the Township of Louth, to the north boundary of the said Township being to a line in Lake Ontario as defined by subsection 2 of section 6 of *The Territorial Division Act*, being chapter 395 of the Revised Statutes of Ontario, 1960;

THENCE easterly along the last-mentioned line, to the northerly prolongation of the easterly boundary of the Township of Louth;

THENCE southerly along the last-mentioned prolongation, being along the boundary between the Township of Louth and the City of St. Catharines, to the southerly high water mark of Lake Ontario;

THENCE southerly, easterly and southerly continuing along the boundary between the Township of Louth and the City of St. Catharines, to the southeast angle of the said Township of Louth;

THENCE westerly along the south boundary of the Township of Louth being along the boundary between the Township of Louth and the Township

of Thorold and between the Township of Louth and the Township of Pelham, to the point of commencement;

- (i) The portions of the townships of Crowland and Thorold, described as follows, are annexed to The Corporation of the Town of Thorold:

FIRSTLY, that part of the Township of Crowland lying between the middle of the main channel of the Welland River diversion to be constructed and the middle of the existing main channel of the present course of the Welland River (the constructed diversion to be defined in detail after completion), lying all in lots 16, 17, and 18 of the Broken Front Concession in the Township of Crowland;

SECONDLY, part of the Township of Thorold, commencing at the northwest angle of the original Township of Thorold;

THENCE southerly along the western boundary of the said Township to the southerly limit of the right-of-way of The Hydro-Electric Power Commission of Ontario crossing Lot 163 of the said Township;

THENCE southeasterly and easterly along the southerly limit of the said right-of-way, across lots 163, 162, and 161 of the Township of Thorold to the southerly limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway as shown on Deposit Plan No. 9;

THENCE easterly following the south limit of the last-mentioned railway right-of-way to a point in Lot 160 distant 660 feet measured easterly at right angles from the east limit of Rice Road;

THENCE southerly parallel to the said Rice Road to a point in the line between the north and south halves of Lot 174 of the said township being to the line midway between Merritt Road and Quaker Road;

THENCE easterly along the said midway line being along the line between the north and south halves of lots 174, 228, 227, 226, 225, 224, 223 and 222 and its production through Lot 215, Broken Front Concession, to the middle of the diverted course of the Welland River to be constructed;



THENCE northeasterly and easterly along the middle of the main channel of the said river, to the south-east angle of the said Township of Thorold;

THENCE northerly, westerly and northerly along the boundary between the said Township of Thorold and the City of Niagara Falls to the south boundary of the Town of Thorold;

THENCE following the southerly and westerly boundaries of the said Town of Thorold, to the northwest angle of the said Town being on the northern boundary of the Township of Thorold;

THENCE westerly along the northern boundary of the said Township, westerly, northerly and westerly, to the point of commencement;

- (j) The Corporation of the Township of Wainfleet is continued;
- (k) The portions of the townships of Crowland, Humberstone and Thorold, described as follows, are annexed to The Corporation of the City of Welland:

FIRSTLY, part of the Township of Crowland, commencing at a point in the north boundary of the City of Welland where it is intersected by the middle of the present main channel of the Welland River;

THENCE northeasterly and easterly along the middle of the present main channel of the Welland River, along the middle of the main channel of the diverted course of the said river to be constructed, and along the middle of the main channel of the Welland River to the northerly prolongation of the line between lots 9 and 10 in the Broken Front Concession of the said Township of Crowland;

THENCE southerly to and along the line between lots 9 and 10 in the Broken Front Concession, along the line between lots 9 and 10 in concessions I to VII, both inclusive, and along the line between lots 9 and 10 in the Gore of the said Township and its prolongation to the south boundary of the Township of Crowland;

THENCE westerly along the south boundary of the said Township of Crowland, being along the boundary between the townships of Crowland and Humberstone to the east boundary of the City of Welland;

THENCE northerly, westerly, northerly, westerly and northerly along the boundary between the Township of Crowland and the City of Welland, to the point of commencement;

SECONDLY, part of the Township of Humberstone, commencing at a point in the east boundary of the City of Welland where it is intersected by the boundary between the townships of Humberstone and Crowland;

THENCE easterly along the last-mentioned boundary to the southerly prolongation of the line between lots 9 and 10 in the Gore of the Township of Crowland;

THENCE southerly to the northeast corner of Lot 10, Concession 5, in the Township of Humberstone;

THENCE southerly along the easterly limit of said Lot 10, 1,000 feet.

THENCE westerly along a line parallel with the south limit of the road allowance between the said townships of Humberstone and Crowland, known as the Netherby Road, and its production westerly, to the west bank of the New Welland Ship Canal, now under construction, the limit of which to be defined in detail after completion;

THENCE southwesterly along the said west bank to its intersection with the east bank of the present ship canal;

THENCE northerly along the last-mentioned bank to a point distant 1,000 feet measured southerly at right angles from the south limit of the road allowance between concessions IV and V of the said Township of Humberstone, known as the Forks Road;

THENCE westerly parallel with the last-mentioned limit of the road allowance to the western limit of the said Township of Humberstone;

THENCE northerly along the west boundary of the said Township of Humberstone being along the line between the townships of Humberstone and Wainfleet, to the southern boundary of the present City of Welland;

THENCE easterly following the boundaries of the present City of Welland to the point of commencement;

THIRDLY, part of the Township of Thorold, commencing at a point in the north boundary of the City of Welland where it is intersected by the western limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway;

THENCE northerly along the western limit of the said railway to the line between the north and south halves of Lot 176 of the Township of Thorold, being to the line midway between Merritt Road and Quaker Road;

THENCE easterly along the said midway line being along the line between the north and south halves of lots 176, 175, 174, 228, 227, 226, 225, 224, 223 and 222 and its production through Lot 215, Broken Front Concession to the middle of the main channel of the Welland River;

THENCE southwesterly along the said middle of channel being along the southeast boundary of the Township of Thorold to its intersection with the north boundary of the City of Welland;

THENCE westerly along the said boundary of the City of Welland to the point of commencement;

- (l) The Corporation of the Township of Caistor, The Corporation of the Township of Gainsborough and The Corporation of the Township of South Grimsby are amalgamated as a township municipality bearing the name of The Corporation of the Township of West Lincoln.

Dissolution  
of police  
villages

- (2) The following police villages are dissolved on the 1st day of January, 1970:

1. The Police Village of Campden.
2. The Police Village of Fenwick.

3. The Police Village of Jordan.
4. The Police Village of Jordan Station.
5. The Police Village of Queenston.
6. The Police Village of St. Davids.
7. The Police Village of Vineland.

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 10 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Amalgamations and annexations deemed by Municipal Board orders  
R.S.O. 1960, c. 274

(4) If directed by order of the Minister, a vote of the electors of the Town of Beamsville as established by clause *a* of subsection 1 shall be taken at the same time as the election for the first council of the Town, to determine from among the names designated by the Minister, which name the Town shall bear and, following the vote, the Minister shall by order,

Referendum re name of Town

(a) confirm the name of the Town as set out in clause *a* of subsection 1; or

(b) declare the name that the Town shall bear,

and where a declaration is made under clause *b*, all references to the Town shall be deemed to refer to the Town as designated in the declaration.

**3.—**(1) On and after the 1st day of January, 1970, the council of each area municipality shall be composed of a mayor, who shall be elected by general vote and shall be the head of the council, and aldermen in the respective area municipalities as follows:

Composition of councils



1. Town of Beamsville—eight aldermen elected by wards.
2. Town of Fort Erie—twelve aldermen, eleven elected by wards and one elected by general vote.
3. Town of Grimsby—eight aldermen elected by general vote.
4. City of Niagara Falls—twelve aldermen elected by wards.
5. Town of Niagara-on-the-Lake—eight aldermen elected by general vote.
6. Town of Pelham—six aldermen elected by wards.
7. City of Port Colborne—eight aldermen elected by wards.
8. City of St. Catharines—twelve aldermen elected by wards.
9. Town of Thorold—ten aldermen elected by general vote.
10. Township of Wainfleet—four aldermen elected by general vote.
11. City of Welland—fourteen aldermen elected by wards.
12. Township of West Lincoln—six aldermen elected by wards.

Election  
and term  
of office

(2) With respect to the area municipalities, except the Township of Wainfleet, elections of the first councils thereof shall be held in the year 1969, and the day for polling shall be the 6th day of October and the first councils elected shall hold office for the years 1970, 1971 and 1972.

Idem

(3) For the purposes of the elections of the first councils of the area municipalities, except the Township of Wainfleet,

(a) the Minister shall by order,

(i) divide into wards the Town of Beamsville, the Town of Fort Erie, the City of Niagara Falls, the Town of Niagara-on-the-Lake, the Town of Pelham, the City of Port Colborne,

the City of St. Catharines, the City of Welland and the Township of West Lincoln, all as constituted by section 2 and make provision for the respective numbers of aldermen to be elected in the respective wards,

- (ii) with respect to the Town of Fort Erie and the City of Niagara Falls, make provision that only persons whose principal place of residence was continuously since the 1st day of January, 1969, in such wards are eligible to be elected as aldermen for such wards,
  - (iii) fix the days, times and places of nominations, and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, and
  - (iv) provide for such other matters as he considers necessary to hold the elections; and
- (b) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act* <sup>R.S.O. 1960, c. 249</sup> and are resident in a local municipality or part thereof within the Regional Area for the period between the 1st day of January, 1969, and the day of the poll are entitled to be entered on the voters' list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled.

(4) With respect to the Township of Wainfleet,

- (a) the reeve, deputy reeve and three councillors in <sup>Wainfleet</sup> office on the day this Part comes into force shall hold office until the 31st day of December, 1970, or until their successors are elected or appointed, and, on and after the 1st day of January, 1970, the reeve shall be known as the mayor and the deputy reeve and councillors shall be known as aldermen; and
- (b) an election shall be held in the year 1970 to elect a mayor and four aldermen who shall hold office for the years 1971 and 1972.

(5) With respect to the City of Niagara Falls, the provisions of subsection 3 shall apply in respect of the election <sup>Election of Niagara Falls 1972</sup> of council for the years 1973 and 1974.

(6) The mayor of the Town of Niagara-on-the-Lake shall <sup>Mayor of Niagara-on-the-Lake</sup> be known as the Lord Mayor.

Organiza-  
tion com-  
mittee in  
1969

(7) The members of the council of each area municipality elected in the year 1969 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Expenses of  
first  
elections

(8) The expenses of the local municipalities for the elections to elect members of the Regional Council and of the councils of the area municipalities in the year 1969 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Meetings  
of electors  
for nomina-  
tion of  
candidates  
and polling  
day

4.—(1) In every area municipality,

(a) meetings of electors for the nomination of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second year thereafter on the second Monday preceding the first Monday in December; and

(b) the day for polling in the year 1972 and in every second year thereafter shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

Place of  
nomination  
meeting

(2) The council of every area municipality, before the 1st day of November in the year 1972 and in every second year thereafter, shall pass a by-law naming the place or places and time or times at which the nomination meeting or meetings shall be held.

Term of  
office

(3) The members of the council of each area municipality and such local boards, commencing with such councils and local boards which take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new council or board is organized.

Resident  
voters' list  
R.S.O. 1960,  
c. 254

(4) Each area municipality shall be deemed to have passed a by-law providing for a resident voters' list under *The Municipal Franchise Extension Act*, and the assent of the electors as required therein shall be deemed to have been received.

Commence-  
ment  
of Part

5. This Part comes into force on the day this Act receives Royal Assent.

## PART II

## INCORPORATION AND COUNCIL OF REGIONAL AREA

**6.—**(1) On the 15th day of October, 1969, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Niagara".

Regional Corporation constituted

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Deemed municipality under R.S.O. 1960, cc. 98, 274

(3) On and after the 1st day of January, 1970, each of the judicial districts of Niagara North and Niagara South, as described in section 5a of *The Territorial Division Act*, shall be deemed to be a county for all judicial purposes.

Regional Area deemed county for judicial purposes R.S.O. 1960, c. 395

(4) Every person who held an office or appointment under any Act on the 31st day of December, 1969, in and for the County of Lincoln or in and for the County of Welland shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1970, in and for the Judicial District of Niagara North or in and for the Judicial District of Niagara South, as the case may be.

Appointments for counties of Lincoln and Welland deemed appointments for Niagara North and Niagara South

**7.—**(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Regional Council to exercise corporate powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Powers exercised by by-laws

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Not to be quashed as unreasonable

**8.—**(1) The Regional Council shall consist of twenty-nine members composed of a chairman and,

Composition of Regional Council

(a) in the year 1969, the mayor-elect of each area municipality and the reeve of the Township of Wainfleet and thereafter the head of the council of each area municipality;

(b) five members elected by general vote of the electors of the area municipality of the City of St. Catharines;



- (c) three members elected by general vote of the electors of the area municipality of the City of Niagara Falls;
- (d) two members elected by general vote of the electors of the area municipality of the City of Welland;
- (e) one member elected respectively by general vote of the electors of each of the area municipalities of the Town of Beamsville, the Town of Fort Erie, the Town of Grimsby, the Town of Niagara-on-the-Lake, the City of Port Colborne and the Town of Thorold.

Appoint-  
ment of  
chairman by  
Lieutenant  
Governor  
in Council

(2) The chairman shall be appointed by the Lieutenant Governor in Council before the 15th day of October, 1969, to hold office at pleasure during the years 1969 to 1972 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Biennial  
appoint-  
ment of  
chairman

(3) At the first meeting of the Regional Council in the year 1973 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 20 shall preside until the chairman is elected.

Resignation  
from Area  
Council

(4) Where the head of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant, and an election shall be held in such municipality forthwith to elect a head of council, except where the vacancy occurs during the last nine months of the term of office of the head of council in which case section 150 of *The Municipal Act* applies, and the expenses of such election shall be borne by the Regional Corporation.

R.S.O. 1960,  
c. 249

Failure  
to elect  
chairman

(5) If at the first meeting of the Regional Council in the year 1973 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

**9.—**(1) The election of the members of the Regional Council <sup>Elections</sup> to be elected by general vote of the electors of an area municipality as provided in section 8, subject to any order of the Minister under subsection 2, shall be held at the same times and in the same manner as the election of the mayor of such area municipality, and the members so elected at the elections to be held in the year 1969 shall hold office for the years 1969 to 1972 inclusive, and thereafter such members, commencing with the members to take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new Regional Council is organized.

(2) For the purposes of the elections to be held in the <sup>1969 election</sup> year 1969 of the members of the Regional Council to be elected by general vote of the electors of the area municipalities,

(a) the Minister may by order fix the days, times and places of nominations, and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, and such other matters as he may deem necessary to carry out the elections; and

(b) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act* <sup>R.S.O. 1960, c. 249</sup> and are resident in a local municipality within the Regional Area for the period between the 1st day of January, 1969, and the day of the poll are entitled to be entered on the voters' list in addition to those so ordinarily entitled.

(3) A person is eligible to be elected a member of the <sup>Qualifica-</sup> Regional Council by the electors of an area municipality if he is eligible to be elected a member of the council of the area municipality or to be appointed to fill a vacancy in the office of a member so elected, but no person, except a mayor, may be a member of the Regional Council and the council of an area municipality at the same time.

(4) Section 35 of *The Municipal Act* applies *mutatis* <sup>Disqualifica-</sup> *mutandis* to the Regional Council. <sup>tion</sup>

**10.—**(1) The first meeting of the Regional Council shall <sup>First meeting 1969</sup> be held on or after the 15th day of October, 1969, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First  
meeting  
of area  
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1970 and in the year 1973 and in every second year thereafter shall be held not later than the 8th day of January, and in the year 1970 the first meeting shall be called by the mayor-elect at such time and place as he may designate.

First  
meeting of  
Regional  
Council

(3) The first meeting of the Regional Council in the year 1970 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

Certificate  
of qualifi-  
cation

(4) A person entitled to be a member *ex officio* of the Regional Council shall not take his seat until he has filed with the person presiding at a meeting a certificate under the hand of the clerk of the area municipality of which he is the head of the council and under the seal of the area municipality certifying that he is entitled to be a member of the Regional Council.

Oath of  
allegiance,  
declaration  
of qualifi-  
cation

(5) The chairman, before taking his seat, shall take an oath of allegiance (Form 1) and a declaration of qualification (Form 2).

Declarations  
of office  
R.S.O. 1960,  
c. 249

(6) No business shall be proceeded with at the first meeting until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

When  
Council  
deemed  
organized

(7) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 1 of section 12.

Place of  
meeting

**11.** Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints.

Quorum  
voting

**12.—(1)** Fifteen members of the Regional Council representing at least six area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Subject to subsection 3, each member of the Regional Council has one vote only.

(3) The chairman does not have a vote except in the event of an equality of votes. Chairman vote

**13.**—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. Vacancies, chairman

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 3 of section 8, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor. Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. Idem

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality from which he was elected shall by by-law within thirty days after the vacancy occurs appoint a successor, who is eligible to be elected a member of the Regional Council, to hold office for the remainder of the term of his predecessor. Other members

(5) Section 144 of *The Municipal Act*, except clauses f, g and h, applies to the Regional Council. When seat to become vacant  
R.S.O. 1960, c. 249

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. Where head of council incapacitated

**14.**—(1) Members of the Regional Council, other than the chairman, may be paid, on and after the 1st day of January, 1970, such annual and other remuneration as the Regional Council may determine. Remuneration

(2) For the year 1973 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine. Idem



Committees  
of council

**15.**—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it deems expedient.

Remunera-  
tion of  
committee  
chairman

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee, except where such chairman is also the chairman of the Regional Council.

Procedural  
by-laws

**16.** The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

Head of  
council

**17.**—(1) The chairman is the head of the Regional Council and, is the chief executive officer of the Regional Corporation.

Chief  
adminis-  
trative  
officer

(2) The Regional Council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

Application  
of  
R.S.O. 1960,  
c. 249, s. 239

(3) Subsection 2 of section 239 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2.

Acting  
chairman

**18.** When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

Application  
of  
R.S.O. 1960,  
c. 249

**19.**—(1) Sections 192, 193, 195, 197, 198, 253, 275 to 280, and 406a of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Sections 190, 198*a*, 198*b*, 199 and 244 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Council. *Idem*

**20.**—(1) The Regional Council shall appoint an officer, Appoint-  
ment of  
officer and  
his duties  
whose duty it is,

- (a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy who shall Deputy  
officer  
have all the powers and duties of the officer appointed under subsection 1.

(3) When the office of the officer appointed under sub- Acting  
officer  
section 1 is vacant or the incumbent is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting officer *pro tempore* who shall have all the powers and duties of the officer appointed under subsection 1.

(4) The chairman appointed under subsection 2 of section 8 Acting  
officer,  
first  
meeting  
1969  
shall appoint an acting officer who shall have all the powers and duties of an officer under subsection 1 for the purposes of the first meeting of the Regional Council in the year 1969 and thereafter until the Regional Council appoints an officer under this section.

(5) An officer appointed under this section is deemed Officer  
deemed  
clerk under  
other Acts  
to be the clerk of the Regional Corporation for the purposes of every Act.

**21.**—(1) Any person may, at all reasonable hours, inspect Minutes  
open to  
inspection  
and copies  
to be  
furnished  
any of the records, books or documents in the possession or under the control of an officer appointed under section 20, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional

Corporation made to the Regional Council or any of its committees, and the officer within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of  
by-laws  
affecting  
land

(2) The officer appointed under section 20 shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies  
certified  
by officer  
to be  
receivable  
in evidence

(3) A copy of any record, book or document in the possession or under the control of an officer appointed under section 20, purporting to be certified under his hand and seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appoint-  
ment of  
financial  
officer

**22.—**(1) The Regional Council shall appoint a financial officer to undertake the duties of a treasurer and such financial officer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy  
financial  
officer

(2) The Regional Council may appoint a deputy financial officer who shall have all the powers and duties of the financial officer.

Acting  
financial  
officer

(3) When the office of financial officer is vacant or the financial officer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting financial officer *pro tempore* who shall have all the powers and duties of the financial officer.

Financial  
officer  
deemed  
treasurer  
under other  
Acts

(4) A financial officer appointed under this section is deemed to be the treasurer of the Regional Corporation for the purposes of every Act.

Receipt and  
disburse-  
ment of  
money

**23.—**(1) The financial officer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the financial officer shall be signed by the financial officer and by some other person or persons designated for the purpose

by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection 1, the Regional Council may by by-law, <sup>Signing of cheques</sup>

- (a) designate one or more persons to sign cheques in lieu of the financial officer; and
- (b) provide that the signature of the financial officer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the financial officer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide. <sup>Petty cash fund</sup>

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the financial officer for any work or service performed or to be performed. <sup>Member of Council, when he may be paid for work</sup>

(5) The financial officer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. <sup>Financial officer's liability limited</sup>

**24.** Subject to subsection 3 of section 23, the financial officer shall, <sup>Bank accounts</sup>

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the financial officer vary from such provisions.



Monthly  
statement  
by financial  
officer

**25.**—(1) The financial officer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to  
sureties

(2) Where the financial officer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Appoint-  
ment of  
auditors

**26.**—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation.

Cost of  
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Department may upon application finally determine the amount thereof.

Disqualifi-  
cation of  
auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of  
auditors

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Department.

Audit of  
accounts  
before  
payment

(5) The Regional Council may provide that all accounts shall be audited before payment.

Application  
of  
R.S.O. 1960,  
c. 249

**27.**—(1) Sections 217, 223, 223a, 230, 232, 233, 234 and 236, subsections 1, 4 and 5 of section 238, sections 239, 240, 246 and 248c and paragraphs 58, 59, 60, 61 and 62 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Pensions

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional

Area or by the County of Lincoln or a local board thereof or the County of Welland or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

(3) Where the Regional Corporation or a local board <sup>Idem</sup> thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan.

(4) Where the Regional Corporation or a local board thereof <sup>Sick leave credits</sup> employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Lincoln or a local board thereof or the County of Welland or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

(5) Where the Regional Corporation or a local board <sup>Holidays</sup> thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Lincoln or a local board thereof or the County of Welland or a local board thereof or a suburban roads commission, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

(6) The Regional Council shall offer to employ every <sup>Offer of continuation of employment by Regional Council</sup> person who, on the 1st day of April, 1969, is employed by the County of Lincoln or the County of Welland or by any suburban roads commission or the Niagara District Health

Unit or in any undertaking of any local municipality or local board that is assumed by the Regional Corporation under this Act.

**Entitlement  
to salary**

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1970, of not less than he was receiving on the 1st day of April, 1969, and such wage or salary shall include any increase that comes into effect as of the 1st day of July, 1969, where such increase was established by a by-law or a union contract passed or approved before the 1st day of April, 1969, and such wage or salary as is governed by a collective agreement in the process of being negotiated before the 1st day of July, 1969, shall be his wage or salary as of the 1st day of July, 1969.

**Application  
of 1961-62,  
c. 97**

(8) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62*.

**Offer of  
continua-  
tion of  
employment  
by area  
council**

(9) The employees of the local municipalities and the local boards thereof within the Regional Area which are amalgamated or annexed in whole or in part to form an area municipality who were employed by such a local municipality or local board on the 1st day of April, 1969, and continue to be so employed until the 31st day of December, 1969, except employees offered employment by the Regional Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1970, not less than he was receiving on the 1st day of April, 1969.

**Sick leave  
credits**

(10) Any sick leave credits standing, on the 31st day of December, 1969, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in the sick leave credit plan established by the new employer.

**Holidays**

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

**Termination  
of em-  
ployment**

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

**Commence-  
ment of  
Part**

**28.** This Part comes into force on the day this Act receives Royal Assent.



## PART III

## REGIONAL WATERWORKS SYSTEM

**29.**—(1) For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area, respecting the supply of water and the establishment, construction, maintenance, operation, improvement and extension of a waterworks system. Establishment of waterworks

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional waterworks system to a public utilities commission. Waterworks utilities commission prohibited

**30.**—(1) The Regional Council shall, before the 31st day of December, 1969, pass by-laws which shall be effective on the 1st day of January, 1970, assuming as part of the regional waterworks system all works for the production, treatment and storage of water operated by or on behalf of each area municipality or any local board thereof and all trunk distribution mains connected therewith and all rights and obligations of an area municipality or local board in relation to such works and mains, and on the day any such by-law becomes effective all the real and personal property in relation to the works and mains designated therein vests in the Regional Corporation. Assumption of works and main

(2) A by-law under subsection 1 shall designate and describe the works and trunk distribution mains assumed. Idem

(3) For the purpose of subsection 1, a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it. Interpretation

(4) Notwithstanding subsection 1, a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 31st day of December, 1969, and in that case the by-law becomes effective on the date provided therein. Extension of time

(5) Where the Regional Corporation assumes a work or trunk distribution main vested in an area municipality or local board, Regional liability

- (a) no compensation or damages shall be payable to the area municipality or local board;



- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or main, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1960,  
c. 223

Default

- (6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling of  
doubts

- (7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

Interpre-  
tation

- (8) In this section, "works" means buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, intakes, outlets, underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses.

Existing  
agreements

- 31.**—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable for the supply of water in accordance with the agreement and is bound by all the terms thereof and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Rates

- (2) Notwithstanding subsection 1 and notwithstanding anything in the agreement, the Municipal Board, upon the application of the Regional Council or the council of the municipality to which the water is supplied, has jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement.

Powers of  
area muni-  
cipalities  
restricted

- 32.**—(1) No area municipality, after the 31st day of December, 1969, shall establish, maintain or operate any works for the production, treatment and storage of water.

(2) Nothing in this section limits the powers of an area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Regional Corporation. Proviso

**33.**—(1) No municipality or local board thereof that is supplied with water by the Regional Corporation shall supply or agree to supply any of such water beyond the limits of the municipality without the approval of the Regional Council. Supply beyond limits of local municipality

(2) Nothing in subsection 1 prohibits an area municipality or local board from supplying water to another municipality where by an agreement entered into before the 15th day of October, 1969, which by reason of an amalgamation or annexation under this Act the area municipality or local board is obligated to supply such water and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Regional Corporation. Proviso

**34.**—(1) The Regional Council may pass by-laws for regulating the time, manner, extent and nature of the supply of water from the regional waterworks system, and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Regional Corporation with regard to the water so supplied. Regulation of supply, etc.

(2) Where, immediately before the 1st day of January, 1970, the water supply in any area in the Regional Area was fluoridated as a result of an affirmative vote of the electors to a question submitted to the electors under section 2 of *The Fluoridation Act, 1960-61*, the Regional Corporation may continue to fluoridate the water supply to such area. Continuation of fluoridation of water supply in area 1960-61, c. 30

**35.** The Regional Council may pass by-laws for the maintenance and management of the regional waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality. Maintenance, management, etc.

**36.**—(1) The Regional Council may pass by-laws fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable. Rates

Idem

(2) In fixing the rates, the Regional Council may use its discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to one or more of the area municipalities.

Self-sustaining

(3) The Regional Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.

R.S.O. 1960,  
c. 274, s. 53,  
subs. 1, cl. k,  
not  
applicable

(4) Clause *k* of subsection 1 of section 53 of *The Ontario Municipal Board Act* does not apply with respect to water supplied by the Regional Corporation to an area municipality.

Retail sale prohibited

**37.**—(1) The Regional Corporation shall supply water to the area municipalities, but, subject to subsection 2, shall not supply water to any other person.

Sale to other municipalities

(2) The Regional Corporation may enter into a contract for the supply of water to any local or regional municipality outside the Regional Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Books and accounts

**38.** The Regional Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities in respect of the regional waterworks system in such manner as may be prescribed by the Department.

Application  
of revenues  
R.S.O. 1960,  
c. 335

**39.**—(1) Notwithstanding anything in *The Public Utilities Act* or any other general or special Act, the revenues in respect of the regional waterworks system shall be applied only for,

- (a) the reduction of any indebtedness assumed or incurred with respect to the system;
- (b) the operation, maintenance, renewal, improvement or extension of the system;
- (c) the establishment of such reserve funds as the Regional Council may deem proper, to be used at any future time for any purpose mentioned in clause *a* or *b* or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Regional Corporation.

(2) It is not necessary to levy any rate to provide for principal, interest or other payments on account of any debentures issued or any debt assumed by the Regional Corporation for the purposes of the regional waterworks system except to the extent that the revenues from the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures or debt. Where levy unnecessary

(3) The moneys forming part of a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund. Reserve fund R.S.O. 1960, c. 408

(4) The moneys forming part of a reserve fund established under subsection 1 shall be applied or expended only for the purposes of the regional waterworks system. Application of reserve fund

**40.**—(1) Subject to section 47, the Regional Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the regional waterworks system, that, in the opinion of the Regional Council, is no longer required for the purposes of the waterworks system, but where the property is actually used for the purposes of the waterworks system no such sale, lease or other disposition shall be made without the approval of the Municipal Board. Disposal of property

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues in respect of the regional waterworks system. Proceeds

**41.**—(1) The Regional Corporation is not liable for damages caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown, or when it is necessary in maintaining or extending the system, but the Regional Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water. Temporary shut-offs

(2) Where the supply of water by the Regional Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done No breach of contract



under this subsection shall be deemed to be a breach of contract or entitle any person to rescind any contract or release any guarantor from the performance of his obligation.

Standards  
for local  
systems

**42.**—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws.

Approval  
of local ex-  
tensions and  
connections

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect the works or any part thereof to any work or main of the Regional Corporation without the approval of the Regional Council.

Appeal

**43.** If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct any extension of the regional distribution system;
- (c) to maintain or increase the supply of water to the area municipality;
- (d) to approve the construction or extension of any local water distribution works by the area municipality; or
- (e) to permit the connection or the continuance of a connection to the regional system,

the council may appeal to the Municipal Board which may make such order as it deems advisable in the matter, and the decision of the Municipal Board is final.

Payment of  
charges

**44.**—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality to the Regional Corporation, and the treasurer of every area municipality shall pay the same to the financial officer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council.

Discounts  
and  
penalties

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for

water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate not exceeding one-half of 1 per cent for each month or fraction thereof while such default continues.

**45.** The Regional Corporation has, in respect of all works and trunk distribution mains assumed as part of the regional waterworks system, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed.

Transfer of  
rights  
over works  
assumed

**46.** Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works for the distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

Inspection  
of local  
works

**47.** Where a distribution main has been assumed by the Regional Corporation under section 30 and, in the opinion of the Regional Council, is no longer required for the purposes of the regional waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Regional Council shall by by-law remove the main from the regional waterworks system and transfer it and all rights and obligations relating thereto to the area municipality.

Reversion  
where mains  
no longer  
required

**48.** The works and mains assumed by the Regional Corporation under section 30, together with any extensions or additions thereto constructed by the Regional Corporation may be used by the Regional Corporation for the purpose of supplying and distributing water to any or all of the area municipalities and, subject to subsection 2 of section 37, to any local or regional municipality outside the Regional Area.

Use of  
regional  
works

**49.** This Part comes into force on the day this Act receives Royal Assent.

Commence-  
ment  
of Part

## PART IV

## REGIONAL SEWAGE WORKS

Interpre-  
tation**50.—(1)** In this Part,

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes, or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) “sewer system” means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) “treatment works” means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) “work” means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

Idem

(2) For the purpose of this Part, a sewer, sewer system or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council.

General  
powers

**51.—(1)** For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Regional

Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area.

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional sewage works to a public utilities commission.

Sewage works utilities commission prohibited

**52.** The Regional Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses.

Construction, etc., of trunk sewage works

**53.**—(1) The Regional Council shall, before the 31st day of December, 1969, pass by-laws which shall be effective on the 1st day of January, 1970, assuming as regional sewage works all treatment works operated by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the Regional Corporation.

Assumption of treatment works

(2) The Regional Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1970.

Other works

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed.

Idem

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1969, and in that case the by-law becomes effective on the date provided therein.

Extension of time

(5) Where the Regional Corporation assumes a work or watercourse vested in an area municipality or local board,

Regional liability

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect



of such work or watercourse, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement work.

R.S.O. 1960,  
c. 223

Default

(6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling of  
doubts

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

Existing  
agreements

**54.**—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Idem

(2) Where any local municipality or a local board thereof within the Regional Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Termination

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder.

Powers  
of area  
municipalities  
restricted

**55.**—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Regional Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Regional Council.

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1969, without the approval of the Regional Council. <sup>Idem</sup>

**56.** The Regional Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal. <sup>Regulation of system, etc.</sup>

**57.—**(1) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work, and at any time in respect of the assumption of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality. <sup>Special benefit</sup>

(2) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the Regional Corporation for the purposes of the area municipality. <sup>Debt payments</sup>

(3) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 380 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work. <sup>Raising of money by area municipality  
R.S.O. 1960.  
c. 249</sup>

**58.—**(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a <sup>Connecting to regional works or water-courses</sup>

regional work or watercourse without the approval of the Regional Council.

Agreements  
with other  
municipalities

(2) The Regional Corporation may enter into a contract with any local or regional municipality outside the Regional Area to receive and dispose of sewage and land drainage from the local municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Inspection

(3) Any engineer or other officer of the Regional Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the regional work or watercourse.

Standards  
for local  
systems

**59.**—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a regional work or watercourse, and every area municipality and local board shall conform to such by-laws.

Approval  
of local  
extensions,  
etc.

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council.

Appeal

**60.** If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct, extend or improve any regional work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work;
- (e) to permit a connection or the continuance of a connection to any regional work,

the council may appeal to the Municipal Board, which may make such order as it deems advisable in the matter, and the decision of the Municipal Board is final.

**61.**—(1) The Regional Council may pass by-laws, providing for imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any regional work or works. Special sewage service rates

(2) All such charges constitute a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council. Idem

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 380 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality. Raising of money by area municipality R.S.O. 1960, c. 249

**62.** The Regional Council may contribute toward the cost to any area municipality of the separation of sanitary and storm sewers now in existence in the area municipality, the construction of which commenced on or after the 1st day of January, 1969, such amount as it deems proper, not exceeding 25 per cent of the total cost thereof to the area municipality. Contribution towards cost of separation of combined sewers

**63.** The Regional Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Regional Corporation and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed. Transfer of rights over works assumed

**64.** Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. Inspection of local works

**65.** Any works assumed by the Regional Corporation under section 53, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of receiving Use of regional works



and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 58, from any local or regional municipality outside the Regional Area.

Commence-  
ment of  
Part

**66.** This Part comes into force on the day this Act receives Royal Assent.

## PART V

### REGIONAL ROAD SYSTEM

Interpre-  
tation

**67.** In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "Department" means the Department of Highways;
- (d) "maintenance" includes repair;
- (e) "Minister" means the Minister of Highways;
- (f) "road authority" means a body having jurisdiction and control of a highway.

County  
roads to  
constitute  
regional  
road system  
until  
established  
by by-law

**68.**—(1) On and after the 1st day of January, 1970, all roads under the jurisdiction and control of the County of Lincoln and the County of Welland on the 31st day of December, 1969, shall constitute the regional road system until a by-law passed under subsection 3 is in force and is effective.

Adding or  
removing  
roads by  
by-law

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality as may be agreed upon between the Regional Council and the council of the municipality.

By-law  
establishing  
system

(3) A by-law shall be passed under subsection 2 and submitted not later than the 31st day of March, 1970, to the Minister for approval by the Lieutenant Governor in Council, which by-law shall establish the regional road system and designate the roads to be included in and those removed from the regional road system as constituted under subsection 1.

Transfer of  
provincial  
highway to  
Regional  
Corporation

(4) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Department within the Regional Area to the Regional Corporation

and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of *The Highway Improvement Act*.

R.S.O. 1960,  
c. 171

(5) While a road or a part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold of such road or part is vested in the Regional Corporation.

Vesting of  
roads in  
Regional  
Corporation

(6) The Lieutenant Governor in Council may remove any road from the regional road system.

Removal of  
roads from  
regional  
road system

(7) Where a road or part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 79, such road or part is thereupon transferred to and jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Roads  
removed  
from  
system

(8) The Regional Council shall on or before the 1st day of May, 1975, pass a by-law consolidating all by-laws relating to the regional road system and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Consolidat-  
ing by-law

(9) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council.

Approval of  
by-laws

**69.**—(1) The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Plan of  
construction  
and  
maintenance

(2) The Regional Corporation shall submit a by-law covering the estimated expenditure on regional roads for the calendar year to the Department for the Minister's approval, not later than the 31st day of March of the year in which the expenditure is to be made.

Submission  
of by-law  
covering  
estimated  
expenditure

Supple-  
mentary  
by-law

(3) The Regional Corporation may, within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on regional roads supplementing the by-law submitted under subsection 2.

Subsidy

(4) No subsidy shall be granted by the Department for work undertaken by the Regional Corporation that has not been provided for by a by-law duly approved by the Minister.

Information  
to Minister

**70.** Where the Regional Corporation proposes the construction, improvement or alteration of a regional road it shall furnish the Minister with such detailed information as he may require.

Annual  
statement  
to Minister

**71.—(1)** The Regional Corporation shall annually, and may, with the consent of the Minister at any time during the year, submit to the Minister,

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the person appointed under section 92 that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the financial officer of the Regional Corporation that the statement of receipts and expenditures is correct; and
- (d) a request for the payment of the grant, authorized by resolution of the Regional Council.

Payment to  
Regional  
Corporation

(2) Upon receipt of the statement, declarations and request and the approval thereof by the proper officer of the Department, the Minister may direct payment to the financial officer of the Regional Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Advance  
payments

(3) Notwithstanding subsection 2 but subject to section 69, the Minister may, in his discretion, direct payment to the Regional Corporation under this section on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

- (a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or
- (b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

(4) Notwithstanding subsection 2, where a plan of construction and maintenance of the regional road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs and the financial capability of the Regional Corporation, direct payment to the financial officer of the Regional Corporation out of the moneys appropriated therefor by the Legislature of such amount as he deems requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

(5) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

**72.** The roads forming part of the regional road system shall be maintained and kept in repair by the Regional Corporation, and in all cases the Minister shall determine the amount of the expenditure for construction or maintenance or for the purchase or maintenance of road machinery, plant and equipment that is properly chargeable to road improvement, and his decision is final.

**73.** The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Lincoln or The Corporation of the County of Welland or the corporation of the area municipality or the corporations of two or more area municipalities or the corporation of any suburban roads commission which had jurisdiction over the roads before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the County of Lincoln or the County of Welland or the area municipality or municipalities or suburban roads commission, as the case may be, might have done if the roads had not become part of the regional road system.



Sidewalks  
excepted

**74.—**(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any regional road or portion thereof, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 443 of *The Municipal Act*, in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1960,  
c. 249

Area muni-  
cipalities  
may con-  
struct  
sidewalks,  
etc.

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road and the Regional Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council.

How cost  
provided

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

R.S.O. 1960,  
c. 223

Area muni-  
cipality to  
conform to  
requirements  
and be  
responsible  
for  
damages

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

R.S.O. 1960,  
c. 171, s. 100,  
subs. 4,  
not to  
apply

(5) Subsection 4 of section 100 of *The Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

Installation  
of traffic  
control  
devices

**75.—**(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than the King's Highway, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon, entering or leaving a regional road.

Relocation  
of inter-  
secting  
roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Department, entering or touching upon or giving access to a regional road.

Approval

(3) No road shall be relocated, altered or diverted under subsection 2 without the approval of the area municipality in which the road is located, which approval may be granted

upon such terms and conditions as may be agreed upon, or failing such approval or agreement, the approval of the Municipal Board.

(4) The Municipal Board, before giving its approval under subsection 3, shall hold a public hearing and shall give or cause to be given at least ten days notice of the hearing to the clerk of the area municipality concerned and to such other persons in such manner as the Municipal Board may direct and the Municipal Board, as a condition to giving any such approval, may by its order impose such restrictions, limitations and conditions respecting the relocation, alteration or diversion of such road as to the Municipal Board may appear necessary or expedient. Hearing etc.

(5) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*. Construction of storm sewer etc., on area municipality road R.S.O. 1960, c. 223

**76.** Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road intersected is a part of the regional road system. Intersection of other roads by regional road

**77.** When land abutting on a regional road is dedicated for highway purposes for, or apparently for, the widening of the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. Dedication of lands abutting regional roads for widening purposes

**78.—(1)** The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 68 by assuming such new roads as part of the regional road system and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*. New roads R.S.O. 1960, c. 249

(2) On and after the 1st day of January, 1970, the Regional Corporation is authorized to enter into agreements with the Minister under section 94a of *The Highway Improvement Act* with respect to roads within the Regional Area and thereafter no area municipality shall enter into such agreements, and all Agreements re controlled-access highways R.S.O. 1960, c. 171

such agreements entered into before such date by a local municipality within the Regional Area shall thereafter be deemed to be agreements entered into by the Regional Corporation.

Powers and liabilities of Regional Corporation

**79.** With respect to the regional roads and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city under *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1960, cc. 249, 172

Erection of gasoline pump and advertising device near regional road

**80.—(1)** The Regional Council may, with respect to a regional road, by by-law prohibit or regulate the placing or erecting of,

- (a) any gasoline pump within 150 feet of any limit of a regional road; and
- (b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

By-laws of area municipalities regulating traffic

**81.—(1)** No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

Signal-light devices

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Contribution toward cost of signal-lights

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Traffic control within 100 ft. of regional roads

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional



road and where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

**82.** The Regional Council may by by-law empower the council of any area municipality to exercise the powers of the area municipality under section 469a of *The Municipal Act* in relation to the use of untravelled portions of regional roads within those portions of the area municipality in which land may be used for commercial or industrial purposes.

Use of  
untravelled  
portions of  
regional  
roads for  
parking  
R.S.O. 1960  
c. 249

**83.** The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Agreements  
for  
pedestrian  
walks

**84.—(1)** Sections 452 and 454 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Disputes  
as to  
main-  
tenance,  
etc., of  
bridges  
and high-  
ways,

(2) When there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Idem

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality, and in the case of the regional municipality the officer appointed under section 20, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order in regard to the same as it may deem

Hearing by  
O.M.B.



just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of  
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary  
bridges  
R.S.O. 1960,  
c. 249

**85.** Clause *b* of subsection 1 of section 419 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Idem

**86.** Section 434 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Restrictions

**87.—**(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 30 of *The Planning Act*.

R.S.O. 1960,  
c. 296

Conflict  
with local  
by-law

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 30 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

Controlled-  
access  
roads

**88.—**(1) Subject to the approval of the Municipal Board, the Regional Council may by by-law designate any regional road, or any portion thereof, as a regional controlled-access road.

Closing  
municipal  
roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Notice of  
application  
for  
approval for  
closing  
road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to

such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it deems proper refusing its approval or granting its approval upon such terms and conditions as it deems proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of  
O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it deems proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Closing  
road

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the Regional Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Regional Corporation as it deems proper and may fix the amount of such costs.

Idem

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Regional Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may deem just.

Leave to  
appeal

Practice and  
procedure  
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Court of Appeal is final.

R.S.O. 1960,  
c. 274, s. 95,  
not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private  
roads, etc.,  
opening  
upon  
regional  
controlled-  
access road

**89.**—(1) The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Notice

(2) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under subsection 1.

Service of  
notice

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the second day following the mailing thereof.

Failure to  
comply  
with  
notice

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause or to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Offence

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

Compensa-  
tion

(6) Where a notice given under subsection 2 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 88 was constructed or used, as the case may be,

(a) before the day on which the by-law designating the road as a controlled-access road became effective; or

- (b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

**90.**—(1) Where the Regional Corporation assumes as a regional road any road in an area municipality, Regional liability when road assumed

- (a) no compensation or damages shall be payable to the area municipality in which it was vested; and

- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement work. R.S.O. 1960, c. 223

(2) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 1, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road assumed, the Municipal Board, upon application, may determine the matter and its decision is final. Settling of doubts

**91.**—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify by registered mail the officer appointed under section 20. Stopping up highways

(2) If the Regional Council objects to such stopping up, it shall so notify the council of the area municipality by registered mail within sixty days of the receipt of the notice under subsection 1 and the highway or part thereof concerned shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. Agreement

**92.** The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the regional road system. Appointment of roads commissioner  
R.S.O. 1960, c. 309



Application of R.S.O. 1960, c. 171 **93.** Sections 95, 97, 99, 102 and 105 of *The Highway Improvement Act* apply *mutatis mutandis* with respect to any regional road.

Commencement of Part **94.** This Part comes into force on the day this Act receives Royal Assent.

## PART VI

### PLANNING

Planning area R.S.O. 1960, c. 296 **95.**—(1) On and after the 1st day of January, 1970, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Niagara Planning Area.

Designated municipality (2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Niagara Planning Area.

Planning areas dissolved (3) All planning areas and subsidiary planning areas that are included in the Niagara Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1969.

Area municipalities subsidiary Planning areas (4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1970 and each council thereof shall be the planning board.

Proviso (5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area.

Effect of official plan (6) When the Minister has approved an official plan adopted by the Regional Council,

(a) every official plan and every by-law passed under section 30 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith;

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

Planning duties of Regional Council **96.**—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Niagara Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Planning Area, and without limiting the generality of the foregoing it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Planning Area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the planning area in determining the solution of problems or matters affecting the development of the Planning Area; and
- (c) consult with any local board having jurisdiction within the Planning Area.

(2) The Regional Council, before the 31st day of December, 1973, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area. Official plan

(3) The Regional Council shall appoint such planning staff as may be deemed necessary. Appointment of planning staff

(4) The Regional Council may appoint such planning committees as it deems necessary. Appointment of committees

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of sections 2, sections 5, 11, 12, 12a, 13, 14, 15, 16, 19, 23, 24, 25, 28, 33 and 34 of *The Planning Act*. Regional Corporation deemed municipality under R.S.O. 1960, c. 296

(6) The Regional Council shall be deemed to be a county for the purposes of section 31a of *The Planning Act*. Idem

(7) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision. Agreements re plans of subdivision

(8) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the Niagara Planning Area or any part thereof. Agreements re special studies

(9) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*. Delegation of Minister's powers

(10) All committees of adjustment heretofore constituted by the council of a local municipality in the Niagara Planning Area are hereby dissolved on the 31st day of December, 1969, Committees of adjustment

and the council of each area municipality shall forthwith after the 1st day of January, 1970, pass a by-law constituting and appointing a committee of adjustment under section 32a of *The Planning Act*.

Application  
of  
R.S.O. 1960,  
c. 296

**97.** Except as provided in this Part, the provisions of *The Planning Act* apply.

Commence-  
ment of  
Part

**98.** This Part comes into force on the day this Act receives Royal Assent.

## PART VII

### HEALTH AND WELFARE SERVICES

Liability for  
hospitaliza-  
tion of  
indigents  
R.S.O. 1960,  
cc. 322, 305

**99.**—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Existing  
liabilities  
transferred

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1969, of an indigent person or his dependant who was in hospital on the 31st day of December, 1969, and in respect of whom any local municipality within the Regional Area, the County of Lincoln, or the County of Welland was liable because the indigent person was a resident of such local municipality, the County of Lincoln or the County of Welland.

Proviso

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1970.

Hospitaliza-  
tion grant  
1970 under  
R.S.O. 1960,  
c. 259

(4) The 1970 indigent hospitalization grant payable under section 8a of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality, the County of Lincoln, and the County of Welland for purposes mentioned in such section 8a in the year 1969 and shall be paid to the Regional Corporation.

Aid to  
hospitals

**100.** The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the Regional Area and may issue debentures therefor.

**101.**—(1) On and after the 1st day of January, 1970, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply.

Regional  
Area  
deemed  
health unit,  
R.S.O. 1960,  
c. 321

(2) The Niagara District Health Unit is hereby dissolved on the 1st day of January, 1970 and all the assets and liabilities thereof become assets and liabilities of the board of health of the health unit of the Regional Area.

Dissolution  
of Niagara  
District  
Health Unit

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Boundaries  
fixed

**102.**—(1) On and after the 1st day of January, 1970, the board of health of the health unit established under section 101 shall be composed of,

Constitution  
of health  
board

(a) seven members of the Regional Council appointed by the Regional Council; and

(b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

(2) The members of the board of health of the health unit appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Remunera-  
tion of  
certain  
members

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the health unit in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

Expenses of  
board

**103.** For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

Regional  
Corporation  
deemed  
city under  
1967, c. 3  
1966, c. 37  
R.S.O. 1960,  
cc. 164, 173,  
236, 359, 425

1. *The Anatomy Act, 1967.*
2. *The Day Nurseries Act, 1966.*
3. *The General Welfare Assistance Act.*
4. *The Homemakers and Nurses Services Act.*
5. *The Mental Hospitals Act.*
6. *The Sanatoria for Consumptives Act.*
7. *The War Veterans Burial Act.*



Liability  
respecting  
homes for  
the aged  
R.S.O. 1960,  
c. 174

**104.**—(1) The Regional Corporation shall be deemed to be a city for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Application

(2) Section 13 of *The Homes for the Aged and Rest Homes Act* applies in respect of applicants for admission to a home except that the authorization and statement in the prescribed forms referred to in clauses *e* and *h* of subsection 1 of such section 13 shall be signed by such person or persons as may be designated by resolution of the Regional Council.

Linhaven  
Home  
vested in  
Regional  
Corporation

**105.**—(1) The home for the aged established, erected and maintained jointly by the City of St. Catharines and the County of Lincoln, known as Linhaven Home for the Aged, and all real and personal property used for the purposes of such home, are vested in the Regional Corporation on the 1st day of January, 1970, and, subject to subsection 3 no compensation or damages shall be paid to the City in respect thereof.

Sunset  
Haven and  
Northland  
Manor  
vested in  
Regional  
Corporation

(2) The home for the aged, known as Sunset Haven Home for Senior Citizens, and the rest home, known as Northland Manor, established, erected and maintained jointly by the City of Niagara Falls, the City of Welland, the City of Port Colborne and the County of Welland, and all real and personal property used for the purposes of such homes, are vested in the Regional Corporation on the 1st day of January, 1970, and, subject to subsection 3, no compensation or damages shall be paid to such cities in respect thereof.

Existing  
debt

(3) The Regional Corporation shall pay to any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality, in respect of the homes referred to in subsections 1 and 2.

Default

(4) If the Regional Corporation fails to make any payments required by subsection 3, the area municipality which has not received its due payment may charge the Regional Corporation interest at the rate of one half of one per cent for each month or portion thereof that the payment is overdue.

Settling  
of doubts

(5) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of a home referred to in subsections 1 and 2, the Municipal Board, upon application, may determine the matter and its decision is final.

**106.** No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act, 1965* and the Regional Corporation shall be deemed to be a metropolitan municipality for the purposes of such Act and a city for the purposes of subsection 2 of section 45 of such Act.

Regional Corporation deemed Metropolitan municipality under 1965, c. 14

**107.** The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1970, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Existing liabilities transferred

**108.** Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be deemed to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Liability under order made under R.S.C. 1952, c. 160

**109.** Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part.

Information

**110.** In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Adjustments

**111.**—(1) The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act, 1966*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

Grants, etc., to approved corporations under 1966, c. 65

(2) All rights and obligations of the municipalities that are parties to any agreement entered into under *The County of Welland Act, 1968* are hereby assumed by the Regional Corporation and no area municipality shall hereafter have any rights or obligations under any such agreement.

Existing agreements 1968, c. 182

**112.** This Part comes into force on the 1st day of January, 1970.

Commencement of Part

## PART VIII

## POLICE

Interpre-  
tation

**113.** In this Part, "Niagara Police Board" means the Niagara Regional Board of Commissioners of Police.

Area muni-  
cipality  
deemed city  
over 15,000

**114.**—(1) For the year 1970, each area municipality shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*.

R.S.O. 1960,  
c. 298Boards  
dissolved

(2) All boards of commissioners of police having jurisdiction in the Regional Area on the 31st day of December, 1969 are dissolved on the 1st day of January, 1970.

Boards  
to be  
constituted

(3) On the 1st day of January, 1970, a board of commissioners of police shall be constituted in accordance with subsection 2 of section 7 of *The Police Act* for the year 1970 for each area municipality.

Niagara  
Regional  
Board  
established

**115.**—(1) Notwithstanding *The Police Act*, on the 1st day of January, 1970, a board of commissioners of police shall be constituted to be known as the Niagara Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of the county court of the Judicial District of Niagara North or the Judicial District of Niagara South designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

Quorum

(2) Three members of the Niagara Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Remunera-  
tion

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act* to the members of the Niagara Police Board appointed by the Lieutenant Governor in Council and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Estimates  
of area  
boards in  
1970

(4) The estimates for the year 1970 of the board of commissioners of police of each area municipality shall be submitted to the Niagara Police Board before the 1st day of February, 1970, and, upon receipt of the estimates of all such

boards, the Niagara Police Board shall consider the estimates and approve them in whole or in part and shall notify each such board of the extent to which its estimates have been approved.

(5) The Niagara Police Board shall submit to the Regional Council on or before the 1st day of March, 1970, its estimates including the aggregate of the estimates as approved under subsection 4.

Estimates  
of Niagara  
Board in  
1970

**116.** On and after the 1st day of January, 1971,

Regional  
Corporation  
deemed city  
under  
R.S.O. 1960,  
c. 298

(a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*; and

(b) *The Police Act* does not apply to any area municipality.

**117.**—(1) For the year 1970, the cost of maintaining, operating and administering the police force in each area municipality shall be borne by the Regional Corporation.

Cost of  
operating  
police

(2) At the request of the Niagara Police Board, the Regional Council in the year 1970 shall, subject to subsection 3 of section 13 of *The Police Act*, pass by-laws providing for imposing on and collecting from any area municipality a sum sufficient to pay the proportion of the estimates submitted by the Niagara Police Board under subsection 5 of section 115 that the amount of the estimates, as approved, of the board of the area municipality is of the total of the estimates, as approved, submitted under subsection 4 of section 115.

Levy  
against  
area muni-  
cipalities

(3) An area municipality may pay the amounts chargeable to it,

Rates for  
cost of  
policing

(a) under a by-law passed under subsection 2; or

(b) in respect of maintaining, operating and administering the Niagara Regional Police Force under section 126,

out of its general funds or, subject to the approval of the Ontario Police Commission, by levying rates that are different between areas defined by the council or by levying rates in one or more such areas only.

(4) Subject to the approval of the Ontario Police Commission, the council of an area municipality may grant entire or partial exemption from any rate or rates levied under subsection 3 to lands and buildings used exclusively for farming purposes.

Farm lands



Area police  
force

**118.**—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of July, 1969, and continues to be a member until immediately before the 1st day of January, 1970, shall, on the 1st day of January, 1970, become a member of the police force of the area municipality that includes the local municipality, and the provisions of subsections 2 to 5 of section 27 apply to such members, but no member shall receive in the year 1970 any benefits of employment less favourable than those he was receiving from the local municipality.

Niagara  
Regional  
Police Force

(2) Every person who is a member of a police force of an area municipality on the 31st day of December, 1970, becomes a member of the Niagara Regional Police Force on the 1st day of January, 1971, and is subject to the government of the Niagara Police Board to the same extent as if appointed by the Niagara Police Board.

Terms of  
employment

(3) Every person who becomes a member of the Niagara Regional Police Force under subsection 2 shall,

- (a) be deemed to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Niagara Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System;
- (b) have a retirement age of sixty years of age;
- (c) have credited to him in the Niagara Regional Police Force the total number of years of service that he had in the police forces of the local and area municipality;
- (d) receive such sick leave credits in the sick leave credit plan which shall be established by the Niagara Police Board as he had standing to his credit in the plan of the area municipality; and
- (e) not be assigned without his consent to serve on a permanent basis at a location in the Regional Area more than five miles distant from the area municipality in which he was formerly employed, provided that he was a permanent member of the police force of a local municipality in the Regional Area before the 1st day of July, 1969.

Bargaining

**119.** Before the 1st day of February, 1970, the members of the police forces of all area municipalities shall appoint a

joint bargaining committee to represent all police forces in the area municipalities to bargain with the Niagara Police Board in the manner and for the purposes provided in *The Police Act*, and the Niagara Police Board shall be the sole negotiating body to bargain with such committee.

R.S.O. 1960,  
c. 298

**120.**—(1) The Regional Council shall, before the 1st day of January, 1971, pass by-laws which shall be effective on such date assuming for the use of the Niagara Police Board any such land or building that the Niagara Police Board may require that is vested on the 1st day of July, 1970, in any area municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that area municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

Assumption  
of buildings

(2) No area municipality, before the 1st day of January, 1971, shall without the consent of the Niagara Police Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

Sale by  
area  
municipalities  
limited

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1971, and in that case the by-law shall become effective on the date provided therein.

Extension  
of time

(4) Where any part of a building mentioned in subsection 1 is used by the area municipality or a local board thereof for other than police purposes, the Regional Corporation may,

Building  
not used  
exclusively  
for police  
force

(a) where practicable assume only the part of the building and land appurtenant thereto used for the purposes of the police force of the area municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with the area municipality or local board thereof for the use of a part of the building by the area municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Regional Corporation assumes any property under subsection 1 or 3,

Regional  
Corporation  
liability

(a) no compensation or damage shall be payable to the area municipality or local board except as provided in this subsection;

- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation;
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1970, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

## Default

- (6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

## Accommodation

- (7) Where a building vested in an area municipality or local board is used partly by the police force of the area municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Niagara Police Board shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Niagara Police Board as was being provided by the area municipality for its police force on the 1st day of July, 1970, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

## Office supplies, etc.

- (8) At the request of the Niagara Police Board, each area municipality, for the use of the Niagara Police Board,

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1971, that was provided for the exclusive use of the police force of the area municipality; and
- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of

the area municipality on the 1st day of January, 1971, on the same terms and to the same extent as the police force used the property before such date.

(9) No area municipality, without the consent of the Niagara Police Board, shall dispose of any personal property referred to in subsection 8 owned by the area municipality on the 1st day of July, 1970 or thereafter. Disposal of personal property

(10) All signal and communication systems owned by any area municipality and used for the purposes of the police force of the area municipality on the 1st day of July, 1970, or thereafter are vested in the Regional Corporation for the use of the Niagara Police Board on the 1st day of January, 1971, and no compensation shall be payable to the area municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system. Signal system transferred

(11) In the event of any doubt as to whether, Settling of doubts

(a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or

(b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

**121.** The Regional Corporation shall provide all real and personal property necessary for the purposes of the Niagara Police Board. Property to be provided

**122.** This Part comes into force on the 1st day of January, 1970. Commencement of Part

## PART IX

### FINANCES

**123.** In this Part, "rateable property" includes business and other assessment made under *The Assessment Act*. Interpretation R.S.O. 1960, c. 23

**124.** Section 302 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. Investment of moneys not immediately required R.S.O. 1960 c. 249



## YEARLY ESTIMATES AND LEVIES

Yearly  
estimates

**125.**—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe.

Allowance  
to be made  
in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Department may approve but shall not make any allowance for payments to be received during the current year under section 7 of *The Municipal Unconditional Grants Act*.

R.S.O. 1960,  
c. 259

Surplus or  
operating  
deficit of  
Regional  
Council

(3) The surplus or the operating deficit for which the Regional Council shall make due allowance in preparing the estimates for the year 1970 shall be determined by aggregating,

(a) the audited surplus or operating deficit of the County of Lincoln and the audited surplus or operating deficit of the County of Welland at the 31st day of December, 1969; and

(b) a sum equivalent to the total of the audited surpluses and operating deficits and any reserves established under subsection 2 of section 297 of *The Municipal Act* which are transferred from the County of Lincoln and the County of Welland to the Regional Corporation under this Act.

R.S.O. 1960,  
c. 249

Payment  
by cities

(4) The sum referred to in clause *b* of subsection 3 shall be apportioned among the City of Niagara Falls, the City of Port Colborne, the City of St. Catharines and the City of Welland in the proportion that the equalized assessment for each city respectively, as ascertained under section 126 for the purpose of apportioning the regional levy for 1970, bears to the total of the equalized assessment so ascertained for the four cities, and the amount apportioned to each city shall be paid by the city to the Regional Corporation not later than the 30th day of June, 1970.

Levy on  
area muni-  
cipalities

**126.**—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law <sup>Apportionment</sup> direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls. <sup>Idem</sup>

(4) The Department shall revise and equalize the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Department shall be deemed to be the last revised assessment rolls of the area municipalities. <sup>Equalized assessment</sup>

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister. <sup>When subs. 4 ceases to apply</sup>

(6) Upon completion by the Department of the revision and equalization of assessment, the Department shall notify the Regional Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality. <sup>Copy to Regional Corporation and area municipality</sup>

(7) If any area municipality is not satisfied with the assessment as revised and equalized by the Department, the area municipality may appeal from the decision of the Department by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Department. <sup>Appeal</sup>

(8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization. <sup>Idem</sup>

(9) Where the last revised assessment of the area municipality has been revised and equalized by the Department and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, <sup>Amendment of by-law where necessary following appeal</sup>

amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the financial officer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the financial officer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the financial officer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed assessments, etc., not to apply

R.S.O. 1960, c. 22

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 39 of *The Assessment Act* or partial or total exemption from assessment or taxation applies thereto, except as provided in section 4 of *The Assessment Act*.

Assessment upon which levy apportioned to include valuations on properties for which payments in lieu of taxes paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality.

Valuations of properties in respect of which grants in lieu of taxes received

(12) The clerk of an area municipality shall transmit to the Department, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Department shall revise and equalize the valuations, and shall thereupon notify the Regional Corporation of the revised and equalized valuations.

Levy by-laws

(13) One by-law or several by-laws for making the levies may be passed as the Regional Council may deem expedient.

Regional levy

(14) Subject to subsections 5, 6 and 7 of section 57 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property

rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the financial officer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2. Payment

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

**127.** In sections 128 and 130,

(a) "commercial assessment" means the total of,

Residential  
and com-  
mercial  
assessment  
defined

- (i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan or regional corporation or local board thereof, and
- (ii) the business assessment, and
- (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies, and the assessment of lands not liable for business assessment under subsection 2 of section 9 of *The Assessment Act*, R.S.O. 1960,  
c. 23

according to the last revised assessment roll;

(b) "residential assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a.

**128.—**(1) Any moneys received by the Regional Corporation under section 7 of *The Municipal Unconditional Grants Act* shall be credited to each of the area municipalities in the proportion that the residential assessment of each such area municipality bears to the residential assessment of the Regional Area. Credit of  
payments  
under  
R.S.O. 1960,  
c. 259 s. 7



Credits  
to be  
included in  
estimates

(2) Where the amount credited to an area municipality under subsection 1 is less than the amount specified in the Schedule to this section, the Regional Council shall credit to that area municipality a sum sufficient to increase the amount credited under subsection 1 to the amount specified in the Schedule, and the Regional Council shall include such sum in the estimates to be adopted under subsection 1 of section 125.

Rates

R.S.O. 1960,  
c. 249

(3) The council of each area municipality shall levy, as provided by this section, the sums adopted for general purposes in accordance with section 297 of *The Municipal Act*, together with a sum equal to the aggregate of the sums required by law to be provided by the council for the Regional Corporation or any board, commission or other body, but not the sums required to be levied under section 130 of this Act.

Equaliza-  
tion of  
assessment  
of merged  
areas

(4) The Department shall revise and equalize, by the application of the latest equalization factors of the Department, each part of the last revised assessment rolls of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and equalized is final and binding.

Notice

(5) Upon completion by the Department of the revision and equalization of assessment in an area municipality under subsection 4, the Department shall notify the area municipality of the revised and equalized assessment.

Levy on  
commercial  
assessment

(6) The amount to be raised by an area municipality in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied in accordance with subsection 3 that the commercial assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 4.

Levy on  
residential  
assessment

(7) The amount to be raised by an area municipality in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum levied under subsection 3 that the residential assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 4, reduced by the sum equal to the estimated amount credited to the area municipality in accordance with subsections 1 and 2.

Apportion-  
ment among  
merged  
areas

(8) The sums levied under subsection 3 shall be apportioned among the merged areas of each area municipality in the following manner:

Commercial

1. The amount, as ascertained in accordance with subsection 6, to be raised by the area municipality in

each year by levy on the commercial assessment shall be apportioned among the merged areas in the proportion that the total commercial assessment in each merged area bears to the total commercial assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 4.

2. The amount, as ascertained in accordance with sub-<sup>Residential</sup>section 7, to be raised by the area municipality in each year by levy on the residential assessment shall be apportioned among the merged areas in the proportion that the total residential assessment in each merged area bears to the total residential assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 4.

(9) The council of the area municipality shall levy on the <sup>Levy on commercial assessment in merged areas</sup>whole of the commercial assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 1 of subsection 8.

(10) The council of the area municipality shall levy on the <sup>Levy on residential assessment in merged areas</sup>whole of the residential assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 2 of subsection 8.

(11) The provisions of subsections 3, 4, 5, 6, 7, 8, 9 and 10 <sup>When provisions cease to apply</sup>of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 126.

## SCHEDULE

Area Municipality	Amount
Town of Beamsville.....	\$ 75,000
Town of Fort Erie.....	125,000
Town of Grimsby.....	79,500
City of Niagara Falls.....	377,500
Town of Niagara-on-the-Lake.....	72,000
Town of Pelham.....	47,500
City of Port Colborne.....	127,500
City of St. Catharines.....	617,000
Town of Thorold.....	94,000
Township of Wainfleet.....	27,000
City of Welland.....	256,500
Township of West Lincoln.....	39,000

Levy by  
Regional  
Council  
before  
estimates  
adopted

**129.**—(1) Notwithstanding section 126, in the year 1970 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1969 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 126, and subsections 15 and 16 of section 126 apply to such a levy.

Idem

(2) Notwithstanding section 126, in 1971 and subsequent years the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 15 and 16 of section 126 apply to such a levy.

Levy under  
s. 126 to be  
reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 126.

Levy by  
area muni-  
cipality  
before  
estimates  
adopted

(4) Notwithstanding section 128, until the date determined by the Minister under subsection 5 of section 126, the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Business  
assessment

R.S.O. 1960,  
c. 23

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied under section 130 of *The Assessment Act*, the council, notwithstanding section 128, until the date determined by the Minister under subsection 5 of section 126, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 128. Levy under s. 128 to be reduced

(7) Subsection 3 of section 294a of *The Municipal Act* applies to levies made under this section. Application of R.S.O. 1960, c. 249, s. 294a, subs. 3

(8) Section 294a of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 126. R.S.O. 1960, c. 249, s. 294a not to apply

**130.**—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each of such merged areas. Rates under R.S.O. 1960, c. 368

(2) The amounts required to be levied and collected by an area municipality for public school purposes on commercial assessment and residential and farm assessment as determined under section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total assessment for public school purposes in each merged area bears to the total assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128. Rates for public school purposes R.S.O. 1960, c. 361

(3) The amounts required to be levied and collected by an area municipality for secondary school purposes on commercial assessment and residential and farm assessment as determined under section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total assessment for secondary school purposes in each merged area bears to the total assessment for secondary school purposes in the area municipality both as equalized by the Department in accordance with subsection 4 of section 128. Rates for secondary school purposes

(4) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 126. Application of section

**131.**—(1) For the period from the 31st day of December, 1969, to the 1st day of January, 1975 the Minister may, for each year by order, provide that in such year the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this subsection. Transitional adjustments



Amounts of adjustments to be included in estimates

(2) The Regional Council shall include in the estimates to be adopted in accordance with subsection 1 of section 125 for each year specified by the Minister under subsection 1 of this section the amounts of the adjustments in the tax levy in any area municipality as a result of an order under subsection 1 of this section and shall make a corresponding adjustment in the amount levied on each such area municipality under subsection 1 of section 126.

Area municipality treasurers to certify adjustments

(3) The treasurer of each of the area municipalities in respect of which the Minister has made an order under subsection 1 in each of the years specified shall, before the adoption of estimates by the Regional Council, certify to the financial officer of the Regional Corporation the amount of the adjustment of tax in each of the merged areas in the area municipality under subsection 1.

Allowances to be made in estimates of area municipalities in 1970  
R.S.O. 1960, c. 249

**132.**—(1) For the purpose of subsection 2 of section 297 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1970 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Merged areas

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1970, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1969.

Idem

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1970, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Audited surpluses or operating deficits of certain cities

(4) For the purpose of this section and section 134, the audited surplus or operating deficit of each of the cities of Niagara Falls, Port Colborne, St. Catharines and Welland at the 31st day of December, 1969, shall be that part of the audited surplus or operating deficit of the city that does not form part of the surplus or operating deficit of the Regional Corporation as required by subsection 3 of section 125.

## RESERVES

**133.** Where, under subsection 2 of section 297 of *The Municipal Act*, the County of Lincoln or the County of Welland has established reserves, those reserves shall become the reserves of the Regional Corporation.

Reserves of  
Regional  
Corporation  
R.S.O. 1960,  
c. 249

## ADJUSTMENTS

**134.**—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 297 of *The Municipal Act*.

Interpre-  
tation

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1969, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 3, shall be provided for by adjustment of the tax rate in the year 1970.

Surplus or  
deficit at  
December  
31, 1969  
to be  
applied to  
supporting  
assessment

(3) Where, in the opinion of the Minister, the operation of this section would cause substantial hardship to the taxpayers in a particular merged area within any area municipality he may, by order, provide that the necessary adjustment in the tax rate be made over a period of not more than five years.

Adjust-  
ments may  
be spread  
over five  
years by  
order

**135.**—(1) The Minister may, on or before the 1st day of September, 1969, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of Crowland, the Township of Humberstone, the Township of Louth, the Township of Thorold and the Township of Willoughby.

Arbitration

(2) Such committees shall consist of the treasurers of municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds including the treasurers of the divided municipality whose assets, liabilities or reserve funds are to be considered, and such other person or persons as the Minister may appoint.

Idem

(3) Before the 31st day of December, 1969, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1970.

Provisional  
determina-  
tion

Final determination

(4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1969, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 10 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1960,  
c. 249

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Substantial hardship

(7) Where, in the opinion of the Minister, any financial settlement arising from the application of this section would cause substantial hardship to the taxpayers of an area municipality, he may, by order, provide that such settlement be made over a period not exceeding five years.

Documents and records of divided municipalities

(8) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality to which the greater or greatest portion of the assessment of the divided municipality, according to the latest revised assessment roll, is transferred, and such documents and records shall be made available to any official of any area municipality to which any other portion of the assessment of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

#### RESERVE FUNDS

Reserve funds of municipalities

**136.**—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Idem

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the

councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

**137.**—(1) The Regional Council may in each year, if <sup>Reserve funds</sup> authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. <sup>Investments and income</sup> R.S.O. 1960. c. 408

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department. <sup>Expenditure of reserve fund moneys</sup>

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1. <sup>Auditor to report on reserve funds</sup>

#### TEMPORARY LOANS

**138.**—(1) The Regional Council may by by-law, either <sup>Current borrowings</sup> before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and financial officer to borrow from time to time by way of promissory note such sums as the Regional Council may deem necessary to meet, until the levies are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year. <sup>Limit upon borrowings</sup>



Temporary  
application  
of estimates  
of preceding  
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1970 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Municipal Board.

Protection  
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution  
of promissory  
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the financial officer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation  
of charge

(6) The Regional Council may by by-law provide or authorize the chairman and financial officer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received; provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution  
of  
agreements

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and financial officer.

Penalties  
for excess  
borrowings

(8) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty for  
misapplication  
of  
revenues by  
Regional  
Council

(9) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for  
misapplication  
of  
revenues by  
officials

(10) If any member of the Regional Council or officer of the Regional Corporation applies any revenues so charged other-

wise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(11) Subsections 8, 9 and 10 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Department of Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. Saving as to penalties  
R.S.O. 1960,  
c. 98

#### DEBT

**139.**—(1) Subject to the limitations and restrictions in <sup>Debt</sup> this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of, R.S.O. 1960,  
c. 274

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves. Liability

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1969, power to issue debentures. Limitation

(4) When an area municipality, prior to the 31st day of December, 1969, Uncom-  
pleted  
works

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and R.S.O. 1960,  
c. 274

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 142, and no further approval of the Municipal Board is required.

Bonds,  
debentures,  
etc.,  
trustee  
investments  
R.S.O. 1960,  
c. 408

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

Power to  
incur debt  
or issue  
debentures  
R.S.O. 1960,  
c. 274

**140.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 139 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Idem

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

R.S.O. 1960,  
c. 274

Hearing

**141.**—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 64 of *The Ontario Municipal Board Act* on the application of the Regional Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter.

R.S.O. 1960,  
c. 274

Notice

(2) Notice of the hearing shall be given to the officer of the Regional Corporation appointed under section 20 and

to the clerk of each area municipality in such manner as the Municipal Board may direct.

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation. <sup>Dispensation with hearing</sup>

(4) The Municipal Board may direct that an applicant give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the Regional Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and, if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing. <sup>Idem</sup>

**142.**—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan. <sup>Borrowing pending issue and sale of debentures</sup>

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council pending the issue and sale of the debentures may, and on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality. <sup>Idem</sup>

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan. <sup>Interest on proceeds transferred</sup>

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to <sup>Application of proceeds of loan</sup>



see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 154, shall be transferred to the area municipality.

Hypotheca-  
tion not  
to prevent  
subsequent  
sale of  
debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal  
and interest  
payments

**143.**—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking  
fund  
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When  
debentures  
to be  
payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special  
levy against  
area muni-  
cipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General  
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by  
area muni-  
cipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation. Levies a debt

(8) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or vice versa and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. By-law to change mode of issuing debentures

(9) All the debentures shall be issued at one time and within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law. Debentures when to be dated and issued

(10) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date. Date of debentures

(11) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year. Idem

(12) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law. Extension of time for issue

(13) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set. Application after time expired

Effective  
date

(14) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Consolida-  
tion

(15) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consol-  
idating  
debenture  
by-laws

R.S.O. 1960,  
c. 249

(16) Section 283 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Redemption  
before  
maturity

(17) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption, and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments

are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(18) The by-law may provide that the debentures to be <sup>Currency</sup> issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;  
or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain.

(19) Where under the provisions of the by-law debentures <sup>Annual rates</sup> issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(20) When sinking fund debentures are issued, the amount <sup>Principal levies</sup> of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding  $3\frac{1}{2}$  per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

(21) When sinking fund debentures are issued, the sinking <sup>Consolidated bank accounts</sup> fund committee shall keep one or more consolidated bank accounts in which,

- (a) the financial officer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.



- Sinking fund committee (22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the financial officer of the Regional Corporation and two members appointed by the Lieutenant Governor in Council, and the two appointed members shall be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Lieutenant Governor in Council may determine.
- Alternate members (23) The Lieutenant Governor in Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.
- Chairman (24) The financial officer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.
- Security (25) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 234 of *The Municipal Act* apply with respect to such security.
- R.S.O. 1960, c. 249
- Quorum (26) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.
- Control of sinking fund assets (27) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.
- Withdrawals from bank accounts (28) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.
- Investments (29) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.
- Idem (30) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,
- (a) in securities in which a trustee may invest under *The Trustee Act*;
- R.S.O. 1960, c. 408

- (b) in debentures of the Regional Corporation;
- (c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;
- (d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

(31) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario. Deposit of securities with Treasurer of Ontario

(32) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 31 only upon the direction in writing of the sinking fund committee. Release of securities by Treasurer of Ontario

(33) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account. Sinking fund accounts

(34) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by, Earnings credited to sinking fund account

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 20 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 20 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account, mentioned in clause *a*.

(35) The financial officer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year. Sinking fund requirements

## Offence

(36) If the financial officer of the Regional Corporation contravenes subsection 21 or 35, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

## Failure to levy

(37) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

## Where amount in sinking fund account more than sufficient to pay debt

(38) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

## No diversion of sinking funds

(39) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

## Surplus

(40) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
  - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
  - (ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
  - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(41) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 40. <sup>Deficit and surplus</sup>

**144.**—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for, <sup>When rate of interest may be varied</sup>

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 142 shall not constitute a sale or other disposal thereof. <sup>Hypothecation not a sale under this section</sup>

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder. <sup>Consolidation of debentures</sup>

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such <sup>Special assessment and levies</sup>



special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council.

Repeal of  
by-law  
when  
part only of  
money to be  
raised

**145.**—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

When  
to take  
effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until  
debt paid  
certain  
by-laws  
cannot be  
repealed

**146.**—(1) Subject to section 145, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Application  
of payments

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the money so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for  
neglect of  
officer to  
carry out  
by-law

**147.** Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money  
by-laws  
may be  
registered

**148.**—(1) Within four weeks after the passing of a money by-law, the officer appointed under section 20 may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the Registry Offices for the Registry Divisions of the Judicial Districts of Niagara North and of Niagara South.

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act, 1962-63* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be.

Application to quash registered by-law, when to be made  
R.S.O. 1960, c. 274  
1962-63, c. 39  
R.S.O. 1960, c. 223

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Time when by-law is to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Dismissal of application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 140, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 143 have not been substantially complied with.

Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Failure to register

**149.**—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the financial officer.

Debentures, how sealed and executed

Interest  
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the financial officer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the financial officer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical  
repro-  
duction of  
signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the financial officer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of  
mechanical  
repro-  
duction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the financial officer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the financial officer, as the case may be, and is binding upon the Regional Corporation.

Sufficiency  
of  
signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures  
on which  
payment  
has been  
made for  
one year to  
be valid

**150.** Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Mode of  
transfer  
may be  
prescribed

**151.—**(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the financial officer of this Corporation



(or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....  
 .....  
 of.....

the financial officer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the financial officer.

Require-  
ments as to  
endorsing  
certificate of  
ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer  
by entry in  
Debenture  
Registry  
Book

**152.** Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replace-  
ment of lost  
debentures

**153.—**(1) On request of the holder of any debenture issued by the Regional Corporation, the financial officer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of  
debentures



On request  
of sinking  
fund  
committee

(2) On the request of the sinking fund committee, the financial officer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

New  
debentures  
of same  
force and  
effect as  
debentures  
surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures  
surrendered  
for exchange  
to be  
cancelled

(4) The financial officer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application  
of proceeds  
of  
debentures

**154.**—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation, to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in <sup>Deficiency</sup> the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

**155.** Where real or personal property acquired out of <sup>Use of proceeds of sale of asset acquired from</sup> moneys received by the Regional Corporation from the sale of or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied <sup>proceeds of sale of debentures</sup> as an excess in accordance with subsection 3 of section 154 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

**156.** When the Regional Corporation intends to borrow <sup>Tenders for debentures</sup> money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

**157.**—(1) The Regional Council shall,

<sup>Accounts, how to be kept</sup>

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
  - (i) an additional account for the interest, if any, and
  - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated  
interest  
account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application  
of surplus  
money

**158.** If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

Liability of  
members

**159.—**(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by  
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Disqual-  
ification

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing  
of  
debentures

**160.** When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption;

- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

**161.** The amount of the indebtedness of any area municipality at any one time for the purpose of *The Tile Drainage Act* shall not exceed the amounts stated in the Schedule to this section. Indebtedness for tile drainage R.S.O. 1960, c. 399

## SCHEDULE

Area Municipality	Amount of Indebtedness
Town of Beamsville.....	\$1,324,000
Town of Fort Erie.....	1,645,000
Town of Grimsby.....	1,000,000
City of Niagara Falls.....	1,625,000
Town of Niagara-on-the-Lake.....	1,000,000
Town of Pelham.....	1,022,000
City of Port Colborne.....	790,000
City of St. Catharines.....	677,000
Town of Thorold.....	964,000
Township of Wainfleet.....	500,000
City of Welland.....	957,000
Township of West Lincoln.....	1,300,000

**162.**—(1) This Part, except section 135, comes into force on the 1st day of January, 1970. Commencement of Part

(2) Section 135 comes into force on the day this Act receives Royal Assent. Idem

## PART X

### GENERAL

**163.**—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248*b* and 250*a*, paragraphs 3 and 22 of section 377 and section 410 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1960, c. 249

(2) For the purposes of subsection 2 of section 482 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be deemed to be by-laws passed by the council of a city. Deemed city under R.S.O. 1960, c. 249



Erections,  
annexations  
and  
amalgama-  
tions

(3) Sections 10, 11 and, subject to subsection 3 of section 2, section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Nuisances

(4) The Regional Corporation shall be deemed to be a local municipality for the purpose of paragraph 116 of subsection 1 of section 379 of *The Municipal Act*.

Delegation  
of approvals  
or consents

(5) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 2 of section 42, subsection 1 of section 58, subsection 2 of section 59 and subsection 2 of section 74 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

Deemed  
county for  
1961-62,  
c. 18

(6) For the purposes of *The Construction Safety Act, 1961-62*, the Regional Corporation shall be deemed to be a county and the area municipalities, except cities, shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed  
municipality  
R.S.O. 1960,  
c. 218

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of section 87 of *The Liquor Licence Act*.

By-laws

(8) On the 1st day of January, 1970,

(a) the by-laws of the former Township of Clinton, that would have extended under section 18 of *The Municipal Act* to that portion of the Township of Louth annexed to the Town of Beamsville under clause *a* of subsection 1 of section 2 had it been annexed to the Township of Clinton, extend and apply to such portion of the Township of Louth;

R.S.O. 1960,  
c. 249

(b) the by-laws of the former Township of Bertie, that would have extended under section 18 of *The Municipal Act* to that portion of the Township of Willoughby annexed to the Town of Fort Erie under clause *b* of subsection 1 of section 2 had it been annexed to the Township of Bertie, extend and apply to such portion of the Township of Willoughby;

R.S.O. 1960,  
c. 249

(c) the by-laws of the former City of Niagara Falls, that would have extended under section 18 of *The Municipal Act* to those portions of the townships of

Crowland, Humberstone and Willoughby annexed to the City of Niagara Falls under clause *d* of subsection 1 of section 2 had they been annexed under section 18 of *The Municipal Act* to the former City of Niagara Falls, extend and apply to such portions of such townships;

R.S.O. 1960,  
c. 249

- (*d*) the by-laws of the former Village of Fonthill that would have extended under section 18 of *The Municipal Act* to that portion of the Township of Thorold annexed to the Town of Pelham under clause *f* of subsection 1 of section 2 had it been annexed to the Village of Fonthill, extend and apply to such portion of the Township of Thorold;
- (*e*) that portion of the Township of Thorold annexed to the Town of Thorold under clause *i* of subsection 1 of section 2 shall be deemed to be amalgamated with the Town for the purpose of subsection 2 of section 17 of *The Municipal Act*.

**164.**—(1) The Regional Council may pass by-laws,

Emergency  
measures  
civil  
defence

- (*a*) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (*b*) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 378 of *The Municipal Act* have no effect.

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of  
Regional  
Council re  
emergency  
measures

- (*a*) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (*b*) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;

(c) for appointing members of the emergency measures planning committee or of any subcommittee thereof, to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act, 1962-63*;

R.S.C. 1952,  
c. 288,  
1962-63,  
c. 41

(d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;

(e) for obtaining and distributing emergency materials, equipment and supplies; and

(f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

Expenditures for diffusing information

**165.** The Regional Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Grants to persons engaged in work advantageous to Regional Area

**166.** The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 126, to institutions, associations and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment of damages to employees

R.S.O. 1960,  
c. 437

**167.** Where in an action or by the settlement of a claim arising out of an injury to an employee or to any person deemed an employee for the purposes of *The Workmen's Compensation Act* the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Investigation by county judge of charges of malfeasance

**168.**—(1) Where the Regional Council passes a resolution requesting a judge of either of the county courts within the Regional Area or a judge of the county court of a county adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other



misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*, R.S.O. 1960, c. 323 and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*. Fees payable to judge R.S.O. 1960, c. 197

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. Engaging counsel

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he deems advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof. Idem

**169.**—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*. Commission of inquiry

(2) A commission may be recommended at the instance of the Department or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. When commission may issue

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. Expenses of commission



Entry on  
highways,  
etc.

**170.** The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements  
re services

**171.** The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment.

Application  
of  
R.S.O. 1960,  
c. 23

**172.—**(1) For the purposes of paragraph 9 of section 4 and section 43 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Regional  
Corporation  
and area  
municipalities  
not deemed  
tenants

(2) For the purposes of paragraph 9 of section 4 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be deemed to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpre-  
tation

(3) In subsection 2, "Regional Corporation" and "area municipality" include a local board thereof.

Executions  
against  
Regional  
Corporation

**173.—**(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the financial officer of the Regional Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the

portion of the amount mentioned in the statement that shall be levied against and in each area municipality.

3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff deems sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Niagara" (Adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Functions  
of clerk,  
assessors  
and  
collectors

Counties  
dissolved

**174.**—(1) The Corporation of the County of Lincoln and The Corporation of the County of Welland are dissolved on the 1st day of January, 1970.

Assets and  
liabilities

(2) All the assets and liabilities of the counties of Lincoln and Welland become, on the 1st day of January, 1970, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Lincoln or the County of Welland shall be transferred to the officer appointed under section 20.

Suburban  
roads  
commissions  
dissolved

**175.**—(1) All suburban roads commissions in the Regional Area are dissolved on the 1st day of January, 1970.

Assets and  
liabilities,

(2) All the assets and liabilities of the roads commissions dissolved under subsection 1 become, on the 1st day of January, 1970, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commissions shall be transferred to the officer appointed under section 20.

Adjustment  
of assets,  
etc.

R.S.O. 1960,  
c. 249

**176.**—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation may exercise any of the powers under clauses *a, b* and *d* of subsection 10 of section 14 of *The Municipal Act* in relation to the dissolution of the counties of Lincoln and Welland and the dissolution of the Niagara District Health Unit and suburban roads commissions under this Act.

Disputes

R.S.O. 1960,  
c. 274

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

Conditional  
powers

**177.** The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purposes of this Act.

Conflict  
with other  
Acts

**178.** The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Municipal  
buildings

**179.**—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and
- (b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

(2) Section 252 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section. Application of R.S.O. 1960, c. 249

**180.**—(1) In this section, “waste” includes ashes, garbage, refuse and domestic or industrial waste of any kind. Interpretation

(2) Where an area municipality has requested the Regional Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the Regional Corporation and the area municipality may enter into an agreement for the use and operation of such facilities. Re-Agreement

(3) For the purposes of an agreement under subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste. Waste disposal sites

(4) A by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* does not apply to the Regional Corporation. Application of by-law under R.S.O. 1960, c. 249, s. 379, subs. 1, par. 112

(5) For the purposes of subsection 3, paragraph 76 of subsection 1 of section 379 of *The Municipal Act* applies *mutatis mutandis*. Acquisition of land for waste disposal

**181.** The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it deems necessary to implement such plan and program. Regional Fire Co-ordinator

**182.**—(1) On and after the 1st day of January, 1970, no area municipality shall be required to comply with section 111 of *The Power Commission Act*. Application of R.S.O. 1960, c. 300, s. 111



Powers of  
utilities  
commissions  
transferred  
to area  
municipality  
or Regional  
Corporation

(2) The public utilities commissions that have control and management of the distribution and supply of electrical power and energy and hydro-electric commissions within the Regional Area are continued for the year 1970 as local boards of the area municipality in which they have jurisdiction and the powers and duties of every such public utility commission, except with respect to the distribution and supply of electrical power and energy, shall become on the 1st day of January, 1970, powers and duties of an area municipality or the Regional Corporation as required by this Act.

Distribution  
of electrical  
power

(3) Where, on the 31st day of December, 1969, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until the 1st day of January, 1971, to distribute and sell power within such area.

Members of  
commissions  
continued  
in office

(4) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until the 1st day of January, 1971 and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Commis-  
sions  
dissolved

(5) All public utilities commissions and waterworks commissions within the Regional Area except those referred to in subsection 2 are hereby dissolved on the 1st day of January, 1970, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission.

Boards in  
St.  
Catharines  
dissolved

**183.**—(1) The following boards and committees of the City of St. Catharines are hereby dissolved on the 1st day of January, 1970:

1. St. Catharines Community Centres Board;
2. Merritton Ward Community Centre Board;
3. St. Catharines Recreation Committee;
4. The Board of Park Management of St. Catharines,

and on such date all the assets and liabilities of such boards and committees become the assets and liabilities of The Corporation of the City of St. Catharines without compensation.

(2) The council of the City of St. Catharines shall be deemed to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Council  
of St.  
Catharines  
deemed  
community  
centre  
board, etc.  
R.S.O. 1960,  
cc. 94, 60

(3) The employees of any board or committee dissolved under this section who were employed by such board or committee on the 1st day of April, 1969, and continue to be so employed until the 31st day of December, 1969, shall be offered employment by the council of the City of St. Catharines, and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1970, not less than he was receiving on the 1st day of April, 1969.

Employees

(4) Subsections 10 and 11 of section 27 apply *mutatis mutandis* to any employee who accepts employment under subsection 3.

Application  
of s. 27

**184.** The Regional Corporation shall be deemed to be a local municipality for the purposes of paragraph 9 of section 377 of *The Municipal Act*.

Regional  
Corporation  
deemed  
municipality  
under  
R.S.O. 1960,  
c. 249, s. 377,  
par. 9.

**185.**—(1) This Part comes into force on the day this Act receives Royal Assent.

Commence-  
ment  
of Part

(2) Section 1 comes into force on the day this Act receives Royal Assent.

Idem

**186.** This Act may be cited as *The Regional Municipality of Niagara Act, 1968-69*.

Short title

#### FORM 1

#### (Section 10 (5) )

#### OATH OF ALLEGIANCE

I, . . . . ., having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Niagara, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me, etc.

## FORM 2

(Section 10 (5) )

## DECLARATION OF QUALIFICATION BY CHAIRMAN

I, . . . . ., having been elected (*or* appointed) as chairman of the council of The Regional Municipality of Niagara, declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.

2. I am of the full age of twenty-one years.

3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.

4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Regional Municipality of Niagara or any local board thereof or any area municipality or local board thereof.

5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.









An Act to establish  
The Regional Municipality of Niagara

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*1st Reading*

June 4th, 1969

*2nd Reading*

June 9th, 1969

*3rd Reading*

June 26th, 1969

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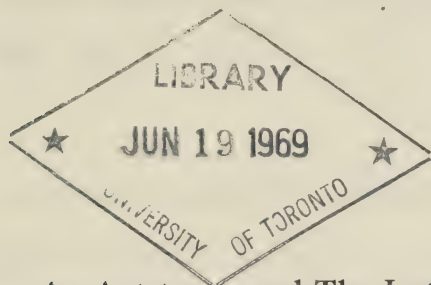
MR. McKEOUGH

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act to amend The Legislative Assembly Act**

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MR. ROBARTS

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#### EXPLANATORY NOTE

The Bill provides that members of a committee shall be paid the same allowances for days on which they are engaged in the work of the committee while absent from home and the seat of government when the Assembly is sitting as are now payable when the Assembly is not sitting.

BILL 175

1968-69

## An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 65 of *The Legislative Assembly Act*, as re-enacted R.S.O. 1960, c. 208, s. 65 by section 3 of *The Legislative Assembly Amendment Act*, (1968, c. 83, s. 3), 1968, is repealed and the following substituted therefor: re-enacted

65.—(1) There shall be paid to each member of a committee of the Assembly other than the chairman thereof an allowance for expenses of \$50, and to the chairman thereof an allowance for expenses of \$60, and, Members of committees, allowances and expenses

(a) in addition to the allowance provided for in section 64, his actual disbursements for transportation other than by private automobile or an allowance of 10 cents for every mile travelled by private automobile; and

(b) his actual disbursements for meals, accommodation and gratuities,

for or incurred on every day on which the Assembly is not sitting,

(c) upon which he attends a meeting of the committee; or

(d) upon which he is absent from home and is travelling to and from meetings of the committee.

(2) The allowances and disbursements provided in sub-Idem section 1 shall be payable to a member of a committee for every day upon which he is absent from home and from the seat of government and is engaged in the work of the committee, whether or not the Assembly is sitting.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Legislative Assembly Amendment Act, 1968-69*.









An Act to amend  
The Legislative Assembly Act

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*1st Reading*

June 6th, 1969

*2nd Reading*

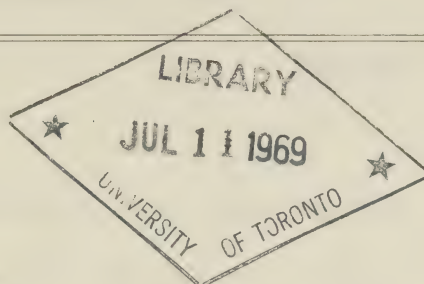
*3rd Reading*

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MR. ROBARTS

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



An Act to amend The Legislative Assembly Act

MR. ROBARTS

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER





## An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 65 of *The Legislative Assembly Act*, as re-enacted by section 3 of *The Legislative Assembly Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960, c. 208, s. 65 (1968, c. 63, s. 3), re-enacted

65.—(1) There shall be paid to each member of a committee of the Assembly other than the chairman thereof an allowance for expenses of \$50, and to the chairman thereof an allowance for expenses of \$60, and,

- (a) in addition to the allowance provided for in section 64, his actual disbursements for transportation other than by private automobile or an allowance of 10 cents for every mile travelled by private automobile; and
- (b) his actual disbursements for meals, accommodation and gratuities,

for or incurred on every day on which the Assembly is not sitting,

- (c) upon which he attends a meeting of the committee; or
- (d) upon which he is absent from home and is travelling to and from meetings of the committee.

- (2) The allowances and disbursements provided in sub-section 1 shall be payable to a member of a committee for every day upon which he is absent from home and from the seat of government and is engaged in the work of the committee, whether or not the Assembly is sitting. Idem

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Legislative Assembly Amendment Act, 1968-69*.









An Act to amend  
The Legislative Assembly Act

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*1st Reading*

June 6th, 1969

*2nd Reading*

June 11th, 1969

*3rd Reading*

June 18th, 1969

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MR. ROBARTS

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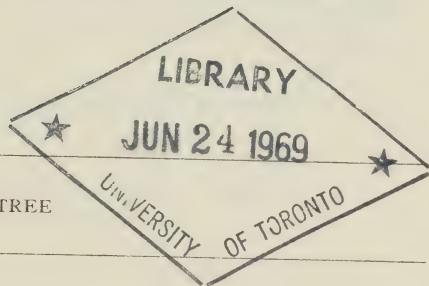
Government  
Publications

**BILL 176**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend  
The Real Estate and Business Brokers Act**

MR. ROWNTREE





#### EXPLANATORY NOTES

SECTION 1. The definitions are amended as complementary to the remainder of the Bill.

SECTION 2. The procedures for registration and investigation are rewritten for uniformity with other registration Acts administered by the Department. The Commercial Registration Appeal Tribunal is given the function of holding all hearings with appeals to the Court of Appeal. The provisions respecting bonding are moved to the regulations. A requirement is added governing the ownership of shares in a corporation before it can be registered as a broker.

BILL 176

1968-69

## An Act to amend The Real Estate and Business Brokers Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *ba*, as enacted by subsection 1 of section 1 of *The Real Estate and Business Brokers Amendment Act, 1964*, and clause *c* of section 1 of *The Real Estate and Business Brokers Act* are repealed, and the following substituted therefor:

R.S.O. 1960,  
c. 344, s. 1,  
cl. *ba*,  
(1964, c. 99,  
s. 1, subs. 1),  
repealed;  
cl. *c*,  
re-enacted

- (c) "Department" means the Department of Financial and Commercial Affairs;
- (ca) "Director" means the Director of the Consumer Protection Division of the Department;
- (cb) "Minister" means the Minister of Financial and Commercial Affairs;
- (cc) "officer" means the chairman or vice-chairman of the board of directors, president, vice-president, secretary, treasurer or secretary-treasurer or general manager of a corporation or a partner or general manager of a partnership and includes the manager of the real estate department of a trust company.

(2) The said section 1 is amended by adding thereto the following clause:

R.S.O. 1960,  
c. 344, s. 1,  
amended

- (l) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*.

1966, c. 41

**2.** *The Real Estate and Business Brokers Act* is amended by striking out:

R.S.O. 1960,  
c. 344,  
amended

- (a) section 3;

- (b) sections 4 and 5, as amended by sections 3 and 4 respectively, of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (c) sections 6, 7, 8 and 9, as re-enacted by section 5 of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (d) section 9a, as enacted by section 5 of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (e) section 10, as amended by section 5 of *The Real Estate and Business Brokers Amendment Act, 1962-63*;
- (f) section 11, as re-enacted by section 6 of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (g) sections 12 and 13, as amended by sections 6 and 7 respectively, of *The Real Estate and Business Brokers Amendment Act, 1962-63*;
- (h) sections 14 and 15;
- (i) section 17, as amended by section 8 of *The Real Estate and Business Brokers Amendment Act, 1962-63*;
- (j) sections 18, 19 and 20;
- (k) section 21, as amended by section 9 of *The Real Estate and Business Brokers Amendment Act, 1962-63*;
- (l) section 22;
- (m) section 23, as amended by section 10 of *The Real Estate and Business Brokers Amendment Act, 1962-63*;
- (n) sections 24 and 25, as amended by sections 8 and 9 respectively, of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (o) section 26, as re-enacted by section 10 of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (p) section 29, as amended by section 11 of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (q) sections 30, 31, 32 and 33, as re-enacted by section 12 of *The Real Estate and Business Brokers Amendment Act, 1964*,

and inserting in lieu thereof the following:

## 3.—(1) No person shall,

Registration

- (a) trade in real estate as a broker unless he is registered as a broker;
- (b) trade in real estate as a salesman unless he is registered as a salesman of a registered broker;
- (c) act on behalf of a corporation or partnership in connection with a trade in real estate unless he and the corporation or partnership are registered as brokers.

(2) Any change in the membership of a partnership shall be deemed to create a new partnership for the purpose of registration.

Change in partnership

(3) A change in the officers of a corporation registered as a broker may be made only with the consent of the Registrar.

Change in officers of corporation

4.—(1) No broker shall conduct a business of trading in real estate from more than one place at which the public is invited to deal unless he is registered in respect of each such place, one of which shall be designated in the registration as the main office and the remainder as branch offices.

Registration of branch offices

(2) Each branch office shall be under direct management by a registered broker or of a salesman who has been registered for at least two years and who is under the supervision of a broker.

Management of branch offices

5. Registration shall not be required in respect of any trade in real estate by,

Exemptions

- (a) an assignee, custodian, liquidator, receiver, trustee or other person acting under the *Bankruptcy Act* (Canada), *The Corporations Act*, *The Judicature Act*, the *Winding-up Act* (Canada), or to a person acting under the order of any court, or an executor or trustee selling under the terms of a will, marriage settlement or deed of trust;

R.S.C. 1952, cc. 14, 296  
R.S.O. 1960, cc. 71, 197

- (b) an auctioneer where the trade is made in the course of and as part of his duties as auctioneer;



1966, c. 142

(c) a person who is registered under *The Securities Act, 1966* where the trade is made in the course of and as part of his business in connection with a trade in securities;

(d) a bank or a loan, trust or insurance company trading in real estate owned or administered by the company;

R.S.O. 1960,  
c. 241

(e) a person in respect of any mine or mining property within the meaning of *The Mining Act* or in respect of the real estate included in a Crown grant or lease, a mining claim or mineral lands under *The Mining Act* or any predecessor thereof;

(f) a full-time salaried employee of a party to a trade where the employee is acting for or on behalf of his employer in respect of land situate in Ontario;

(g) a person who is practising as a solicitor of the Supreme Court where the trade is made in the course of and as a part of the solicitor's practice;

(h) a person, on his own account, in respect of his real estate, where such trade did not result from,

(i) an offer of such person to act, in connection with such trade or any other trade, for or on behalf of the other party or one of the other parties to the trade, or

(ii) a request that such person act, in connection with such trade or any other trade, for or on behalf of the other party or one of the other parties to the trade,

and the interest of such person in the real estate was acquired prior to such offer or request; or

(i) a person in respect of the provision for another, for remuneration other than by commission, of all consultations, undertakings and services necessary to arrange for the routing

of a right-of-way including the acquisition of land or interests in land for the purpose, and his employees engaged in the project;

- (j) a person specifically exempted by the regulations in respect of any class of trades in real estate.

6.—(1) An applicant is entitled to registration or renewal of registration except where, Registration of agencies

- (a) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;
- (b) the application is for registration as a salesman and the applicant is not employed, appointed or authorized by a broker to trade in real estate on his behalf;
- (c) the applicant is or proposes to be in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. Conditions of registration

7.—(1) A corporation having share capital shall not be registered as a broker, Registration of broker corporation

- (a) unless the person holding shares carrying at least 51 per cent of the voting rights attached to all shares of the corporation for the time being outstanding are registered brokers;
- (b) if any broker holding voting shares of the corporation acts as broker in respect of any other business registered as a broker or holds voting shares in any other corporation registered as a broker; or
- (c) if a salesman holds shares of the corporation carrying more than 10 per cent of the voting rights attached to all shares of the corporation for the time being outstanding.

(2) A person other than a broker or salesman may hold voting shares of more than one corporation registered as brokers except that where such person holds Share-holders other than brokers or salesmen

voting shares in more than one such corporation he shall not hold more than 10 per cent of the voting shares of each such corporation for the time being outstanding.

Salesmen  
as share-  
holders

- (3) A salesman shall not,
- (a) acquire shares of a corporation registered as a broker unless the shares are acquired while he is a salesman for the corporation;
  - (b) hold shares in more than one corporation, registered as brokers, at the same time; or
  - (c) become a salesman for another broker until he discloses his interest to such broker.

Exception  
R.S.O. 1960,  
c. 222

- (4) Subsections 1, 2 and 3 do not apply to a trust company registered under *The Loan and Trust Corporations Act* or its shares.

Revocation

- 8.—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 6 or 7 if he were an applicant, or where the registrant is in breach of a condition of the registration.

Voluntary  
cancellation

- (2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Hearing by  
Tribunal

- 9.—(1) Where the Registrar refuses to issue or renew a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

Notice of  
hearing

- (2) The Tribunal shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Idem

- (3) The notice of hearing shall contain,
- (a) a statement of the time and place of the hearing;

- (b) a statement of the statutory power under which the hearing is being held;
  - (c) a reference to the rules of procedure applicable to the hearing;
  - (d) a concise statement of the issues; and
  - (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings.
- 10.—(1) The Registrar, the applicant or registrant and <sup>Parties</sup> any other person specified by the Tribunal are parties to the hearing.
- (2) If a person who has been duly notified of a hearing <sup>Failure to attend</sup> does not attend, the Tribunal may proceed in his absence.
- 11.—(1) A hearing may be adjourned from time to time <sup>Adjournment</sup> by the Tribunal on reasonable grounds,
- (a) on its own motion; or
  - (b) on the motion of any party to the hearing.
- (2) The Tribunal may, in the prescribed form, command <sup>Subpoenas</sup> the attendance before it of any person as a witness.
- (3) <sup>2</sup>The Tribunal may require any person, <sup>Oaths</sup>
- (a) to give evidence on oath at a hearing; and
  - (b) to produce such documents and things as the Tribunal requires.
- (4) The Tribunal may admit evidence not given under <sup>Idem</sup> oath.
- (5) Any person who, without lawful excuse, <sup>Offences</sup>
- (a) on being duly summoned as a witness before the Tribunal, makes default in attending; or
  - (b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to



produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or

- (c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 6.

Enforce-  
ment

- (6) The Tribunal may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right  
of party  
to counsel

12. Any party may be represented before the Tribunal by counsel or agent.

Right of  
witness to  
counsel

- 13.—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Exclusion  
of counsel

- (2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence.

Right of  
parties at  
hearing

14. At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

Hearings  
to be open  
to public;  
exceptions

- 15.—(1) All hearings shall be open to the public except where the Tribunal finds that,

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.

- (2) Notwithstanding the exceptions mentioned in clauses <sup>Idem</sup> *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions.
16. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. <sup>Release of exhibits</sup>
- 17.—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence. <sup>Specialized knowledge</sup>
- (2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information. <sup>Notice</sup>
- (3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. <sup>Contents and service of notice</sup>
18. All oral evidence received by the Tribunal shall be taken down in writing and together with, <sup>Record</sup>
- (a) the notice of hearing;
  - (b) any rulings or orders made in the course of the proceedings of the Tribunal;
  - (c) any written submissions received by the Tribunal; and
  - (d) the decision and the reasons therefor,
- form the record.
- 19.—(1) The Tribunal may, after the hearing, <sup>Decision of Tribunal</sup>
- (a) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;

- (b) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

Decision  
to be in  
writing

- (2) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Contents of  
reasons for  
decision

- (3) The reasons for the final decision shall contain,
- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
  - (b) any agreed findings of facts; and
  - (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of  
decision

- (4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal.

Enforce-  
ment of  
decisions

20. A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Appeal to  
Court of  
Appeal

- 21.—(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

Counsel

- (2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section.

Decision  
of court

- (3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may

substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

- (4) The decision of the Court of Appeal is final. Idem
  
- 22. An order of the Tribunal refusing to renew or Stay  
suspending or revoking a registration shall take effect immediately but the Tribunal may grant a stay until the order becomes final.
  
- 23. A further application for registration may be made Further applications  
upon new or other evidence or where it is clear that material circumstances have changed.
  
- 24.—(1) Where the Registrar receives a complaint in Investigation of complaints  
respect of a broker and so requests in writing, the broker shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.
  
- (2) The request under subsection 1 shall indicate the Idem  
general nature of the inquiry involved.
  
- (3) For the purposes of subsection 1, the Registrar or Idem  
any person designated in writing by him may at any reasonable time enter upon the business premises of the registrant to make an inspection in relation to the complaint.
  
- 25.—(1) The Registrar or any person designated by him Inspection  
in writing, may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts are being complied with.
  
- (2) Where the Registrar has reasonable and probable Idem  
grounds to believe that any person is acting as a broker or salesman while unregistered, the Registrar or any person designated by him in writing, may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3 or 4.
  
- 26.—(1) Upon an inspection under section 24 or 25, Powers on inspection  
the person inspecting,



- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissi-  
bility of  
copies

- (2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original.

Investiga-  
tions

- 27.—(1) Where, upon a statement made under oath, it appears probable to the Director that any person has,

- (a) contravened any of the provisions of this Act or the regulations; or

1953-54,  
c. 51 (Can.)

- (b) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulations or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

Investiga-  
tion by  
order of  
Minister

- (2) Notwithstanding subsection 1, the Minister may by order appoint one or more persons to make an investigation into any matter to which this Act applies and the person appointed shall report the result of his investigation to the Minister.

Scope of  
investiga-  
tion

- (3) For the purpose of any investigation ordered under this section, any person appointed to make the investigation may at any reasonable time enter upon

the business premises and may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or in connection with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the investigation.

- (4) Any person making an investigation under this section may, upon giving a receipt therefor, remove any document or record relating to the person whose affairs are being investigated and that relate to the subject-matter of the investigation, for the purpose of making a copy of such document or record, provided that such copying is carried out with reasonable dispatch and the document or record in question is promptly thereafter returned to the person whose affairs are being investigated. Removal of records
- (5) Any copy made as provided in subsection 4 and purporting to be certified by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original document or record. Admissibility of copies
- (6) The Minister or Director may appoint any expert to examine documents, records, properties and matters of any person whose affairs are being investigated under this Act. Appointment of experts
- (7) The investigator may, in the prescribed form, command the attendance before him of any person as a witness and subsections 2 to 6 of section 11 and section 13 apply to the investigator and the witness in the same manner as to the Tribunal and witnesses before it. Evidence by witness
- (8) No person, without the consent of the Minister, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under this section or the name of any witness examined or sought to be examined in such investigation. Confidentiality

Report

28. Where, upon the report of an investigation made under subsection 1 of section 27, it appears to the Director that a person may have,

(a) contravened any of the provisions of this Act or the regulations; or

1953-54,  
c. 51 (Can.)

(b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister.

Order to  
refrain from  
dealing with  
assets

29.—(1) The Director may,

(a) after an investigation of any person has been ordered under section 27; or

(b) where criminal proceedings or proceedings in respect of a contravention of any Act or regulation are about to be or have been instituted against a person that in the opinion of the Director are connected with or arise out of the business in respect of which such person is registered or required to be registered,

in writing or by telegram, direct any person having on deposit or under control or for safe-keeping any assets or trust funds of the person referred to in clause *a* or *b*, to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any other person having any of them on deposit, under control or for safe-keeping or to hold such assets or trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes such direction or consents to release any particular asset or trust fund from the direction, but, in the case of a bank, loan or trust company, the direction only applies to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,  
cc. 14, 296  
R.S.O. 1960,  
cc. 197, 71





SECTION 3. The name of the sales record sheet required to be kept by brokers is changed to trade record sheet to include leases and other trades not constituting sales.

SECTION 4. The new provision provides for the disposition of unclaimed trust money.

- (2) Subsection 1 does not apply where the person <sup>Bond in lieu</sup> referred to in clause *a* or *b* of subsection 1 files with the Director,

- (a) a personal bond accompanied by collateral security;
- (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or <sup>R.S.O. 1960, c. 168</sup>
- (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

in such form, terms and amount as the Director determines.

- (3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of <sup>Application for direction</sup> the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just.
- (4) In any of the circumstances mentioned in clause *a* <sup>Notice to registrar of deeds, etc.</sup> or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice.

**3.** Subsection 1 of section 35 of *The Real Estate and Business Brokers Act* is amended by striking out "sales" in the first line and inserting in lieu thereof "trade", so that the subsection, exclusive of the clauses, shall read as follows: <sup>R.S.O. 1960, c. 344, s. 35, subs. 1, amended</sup>

- (1) Every broker shall keep a trade record sheet in the <sup>Books, etc., to be kept</sup> prescribed form and proper books and accounts with respect to his trades and shall enter therein in the case of each trade,

. . . . .

**4.** Section 36 of *The Real Estate and Business Brokers Act* is amended by adding thereto the following subsection: <sup>R.S.O. 1960, c. 344, s. 36, amended</sup>

Unclaimed  
trust  
moneys

- (2) Where a broker holds moneys in trust for a period of one year after the person for whom it is held first became entitled to payment of the moneys and such person cannot be located, the broker shall pay the moneys to the Treasurer of Ontario who shall pay the moneys to the person appearing to the Treasurer to be entitled thereto.

R.S.O. 1960,  
c. 344, s. 37,  
re-enacted;  
s. 38,  
repealed

**5.** Section 37 and section 38, as amended by section 22 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, of *The Real Estate and Business Brokers Act* are repealed and the following substituted therefor:

Notice of  
changes

37.—(1) Every broker shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in his address for service;
- (b) any change in the officers in the case of a corporation or partnership;
- (c) any commencement or termination of employment, appointment or authorization of a salesman.

Idem

(2) Every salesman shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in his address for service;
- (b) any commencement or termination of his employment, appointment or authorization by a broker.

Idem

(3) The Registrar shall be deemed to be notified under subsections 1 and 2 on the day on which he is actually notified or, where the notification is by mail, on the day of mailing.

Financial  
statements

(4) Every broker carrying on the business of trading in real estate shall, when required by the Registrar, file a financial statement showing the matters specified by the Registrar and signed by the proprietor or officer of the broker's business and certified by a person licensed under *The Public Accountancy Act*.

R.S.O. 1960,  
c. 317

R.S.O. 1960,  
c. 344, s. 45,  
repealed

**6.** Section 45 of *The Real Estate and Business Brokers Act* is repealed.

R.S.O. 1960,  
c. 344, s. 47,  
re-enacted

**7.** Section 47 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

SECTION 5. The substance of the provisions repealed are contained in section 25, as re-enacted by section 2 of the Bill, and subsection 3 of section 27, as re-enacted by this section of the Bill. The remainder of the new section 37 was formerly contained in section 11 of the Act.

SECTION 6. The section repealed required the publication on letter-heads of brokers the names of persons having over 10 per cent interest in the business.

SECTION 7. The prohibition against a broker using salesmen of another broker is qualified to permit this in respect of a sale outside Ontario.



SECTION 8. The present provision requires disclosure of negotiations for resale where a broker or salesman purchases or offers to purchase real estate listed with him. The new section requires disclosure of the fact the purchaser is a broker or salesman in all cases where he purchases for resale. Where the property is listed with a broker who is the purchaser for resale, the statement must also disclose any facts within his special knowledge affecting the value and any negotiations for resale.

SECTION 9. The provision added requires an offer or listing agreement to bear the true date on which it was executed.

## 47. No broker shall,

- Employment of  
unregistered  
person or  
salesman of  
other broker
- (a) employ or engage the salesman of another broker to trade in real estate or permit such salesman to act on his behalf;
  - (b) employ or engage an unregistered person to trade in real estate or permit such person to act on his behalf; or
  - (c) pay any commission or other remuneration to any person referred to in clause *a* or *b*,

but this section does not prevent the employing, engaging or paying of a person who is duly registered or licensed as a broker or its equivalent in another jurisdiction in respect of a trade in that jurisdiction.

**8.** Section 49 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 344, s. 49,  
re-enacted

49.—(1) No broker or salesman shall purchase, lease, exchange or otherwise acquire for himself or make an offer to purchase, lease, exchange or otherwise acquire for himself, either directly or indirectly, any interest in real estate for the purpose of resale unless he first delivers to the vendor a written statement that he is a broker or salesman, as the case may be, and the vendor has acknowledged in writing that he has received the statement.

Statement  
where broker  
or salesman  
purchases  
for resale

(2) Where real estate in respect of which a broker or salesman is required to give a statement under subsection 1 is listed with the broker or, in the case of a salesman, is listed with the broker by whom the salesman is employed, appointed or authorized to trade in real estate, the statement shall include,

Idem,  
where  
property  
listed with  
purchaser

- (a) full disclosure of all facts within his special knowledge that affect or will affect the resale value of the real estate; and
- (b) the particulars of any negotiation or agreement by or on behalf of the broker or salesman for the sale, exchange, lease or other disposition of any interest in the real estate to any other person.

**9.** Section 50 of *The Real Estate and Business Brokers Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 344, s. 50,  
amended

Date of  
signing  
listing  
or offer

- (3) Every person signing a listing agreement or an agreement for sale or rental of real estate shall state with his signature the date upon which the signature was actually affixed.

R.S.O. 1960,  
c. 344, s. 51,  
subs. 2,  
cl. d,  
amended

**10.** Clause *d* of subsection 2 of section 51 of *The Real Estate and Business Brokers Act* is amended by inserting after "business" where it occurs the second time in the fourth line "has refused to do so or", so that the clause shall read as follows:

- (d) that the person disposing of the business has made available such books of account of the business as he possesses for inspection by the person acquiring the business, or that the person disposing of the business has refused to do so or has no books of account of the business, as the case may be,

R.S.O. 1960,  
c. 344, s. 54*a*  
(1962-63,  
c. 123, s. 24),  
re-enacted

**11.** Section 54*a* of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Interpre-  
tation

- 54*a*. In sections 54*b* to 54*l*, "subdivision" means improved or unimproved land divided or proposed to be divided into five or more lots or other units for the purpose of sale or lease and includes land divided or proposed to be divided into condominium units.

R.S.O. 1960,  
c. 344, s. 54*c*  
(1962-63,  
c. 123, s. 24),  
subs. 1,  
cls. *a*, *b*,  
re-enacted

**12.** Clauses *a* and *b* of subsection 1 of section 54*c* of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, are repealed and the following substituted therefor:

- (a) a copy of the prospectus referred to in section 54*b* or such shorter form of the prospectus as the Registrar may have approved for distribution to the public has been delivered to the prospective purchaser or tenant, as the case may be;
- (b) the prospective purchaser or tenant has in writing acknowledged receipt of a copy of the prospectus or the shorter form of the prospectus and that he has been afforded the opportunity to read it; and
- (c) he is a registered broker or the contract is negotiated by a registered broker.

SECTION 10. The requirement that the broker deliver to the purchaser of a business a sworn statement that the vendor has made his books available is qualified to permit a specific statement that he is not making his books available as this may be part of the arrangement between the vendor and purchaser over which the broker has no control.

SECTION 11. The controls over sale of lands outside Ontario are extended to include sale of condominium units.

SECTION 12. The requirement that the prospectus for sale of lands outside Ontario be delivered to the purchaser is modified to permit the Registrar to require a more complex prospectus and approve a more easily understood version for public perusal. Also the sale in Ontario of lands outside Ontario is required to be made through a registered broker.



SECTION 13. The clause is added to the grounds upon which the Registrar may refuse to certify a prospectus for sale of land outside Ontario.

SECTION 14. The scope of inquiries that may be made respecting prospectuses for the sale of lands located outside Ontario is enlarged.

SECTION 15. Advertisements for the sale of lands located outside Ontario are required to be submitted to the Registrar in advance.

SECTION 16. The provisions in the amendment are included in the present Act and contain no change in principle except the authority to intervene to stop false advertising is added in the same way as in other registration Acts administered by the Department, and the provision protecting Departmental officials against civil action is deleted as it is contained in An Act to amend The Department of Financial and Commercial Affairs Act, 1966.

**13.** Section 54e of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is amended by adding thereto the following clause:

R.S.O. 1960,  
c. 344, s. 54e  
(1962-63,  
c. 123, s. 24),  
amended

- (e) the proposed methods of offering do not accord with standard real estate practices in Ontario.

**14.** Subsection 1 of section 54f of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 344, s. 54f  
(1962-63,  
c. 123, s. 24),  
subs. 1,  
re-enacted

- (1) The Registrar may make such inquiries in respect of a prospectus as he deems necessary, including,

Inquiries,  
etc.

- (a) an examination of the subdivision and any of the surrounding circumstances; and
- (b) the obtaining of reports from public authorities or others within or outside Ontario.

**15.** *The Real Estate and Business Brokers Act* is amended by adding thereto the following sections:

R.S.O. 1960,  
c. 344,  
amended

**54k.** No person shall publish or cause to be published any advertisement for the sale of a lot or unit in a subdivision located outside Ontario until the advertisement has been approved by the Registrar.

Approval of  
advertisements

**54l.** Sections 54a to 54k do not apply in respect of a sale of a lot or unit in a subdivision in which the vendor has not, within the previous five years, owned directly or indirectly, five or more lots or units.

Application  
of ss. 54a to  
54k

**16.** Section 55, as re-enacted by section 14 of *The Real Estate and Business Brokers Amendment Act, 1964*, and section 57, as amended by section 15 of *The Real Estate and Business Brokers Amendment Act, 1964*, of *The Real Estate and Business Brokers Act* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 344, s. 55  
(1964, c. 99,  
s. 14),  
s. 57,  
re-enacted

- 55.** Where, in the opinion of the Registrar, a broker is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 9 to 21 apply to the order in the same manner as to a decision of the Registrar refusing registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

False  
advertising

- Service 56.—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.
- Idem (2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing.
- Exception (3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal.
- Restraining orders 57.—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.
- Appeal (2) An appeal lies to the Court of Appeal from an order made under subsection 1.
- Offences 57a.—(1) Every person who,
- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
  - (b) fails to comply with any order, direction or other requirement made under this Act; or
  - (c) contravenes any provision of this Act or the regulations,
- and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.





SECTION 17. The regulation section is amended and is self-explanatory.

- (2) Where a corporation is convicted of an offence Corporations under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.
- (3) No proceedings under this section shall be instituted Consent of Minister except with the consent of the Minister.
- (4) No proceeding under clause *a* of subsection 1 shall Limitation be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.
- (5) No proceeding under clause *b* or *c* of subsection 1 Idem shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

57*b*. A statement as to,

Certificate  
as evidence

- (*a*) the registration or non-registration of any person;
- (*b*) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (*c*) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (*d*) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

**17.—**(1) Clauses *b* and *c* of section 58 of *The Real Estate and Business Brokers Act* are repealed and the following R.S.O. 1960,  
c. 344, s. 58,  
cls. *b*, *c*,  
re-enacted substituted therefor:

- (*b*) requiring registrants or any class thereof to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;

- (c) requiring and governing the books, accounts and records that shall be kept by registered brokers and providing for the disposition of unclaimed money;
- (ca) governing applications for registration or renewal of registration and prescribing terms and conditions of registration.

R.S.O. 1960,  
c. 344, s. 58,  
cl. g  
(1962-63,  
c. 123, s. 26,  
subs. 2),  
re-enacted

(2) Clause g of the said section 58, as re-enacted by subsection 2 of section 26 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is repealed and the following substituted therefor:

- (g) requiring registrants to make returns and furnish information to the Registrar;
- (ga) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

R.S.O. 1960,  
c. 344, s. 58,  
amended

(3) The said section 58 is amended by adding thereto the following clauses:

- (ha) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (hb) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof.

R.S.O. 1960,  
c. 344, s. 59  
(1964, c. 99,  
s. 16),  
repealed

**18.** Section 59 of *The Real Estate and Business Brokers Act*, as re-enacted by section 16 of *The Real Estate and Business Brokers Amendment Act, 1964*, is repealed.

Commence-  
ment

**19.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**20.** This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1968-69*.

SECTION 18. The section repealed is re-enacted by section 16 of the Bill.







An Act to amend  
The Real Estate and Business Brokers Act

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*1st Reading*

June 6th, 1969

*2nd Reading*

*3rd Reading*

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MR. ROWNTREE

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BILL 176

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

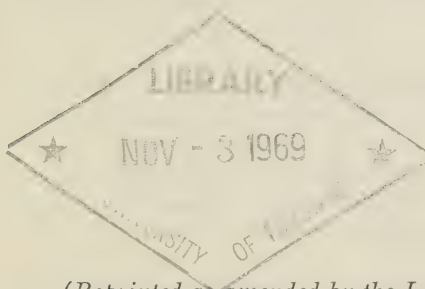
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An Act to amend  
The Real Estate and Business Brokers Act

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MR. ROWNTREE

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*(Reprinted as amended by the Legal and Municipal Committee)*



#### EXPLANATORY NOTES

SECTION 1. The definitions are amended as complementary to the remainder of the Bill.

SECTION 2. The procedures for registration and investigation are rewritten for uniformity with other registration Acts administered by the Department. The Commercial Registration Appeal Tribunal is given the function of holding all hearings with appeals to the Court of Appeal. The provisions respecting bonding are moved to the regulations. A requirement is added governing the ownership of shares in a corporation before it can be registered as a broker.

BILL 176

1968-69

## An Act to amend The Real Estate and Business Brokers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *ba*, as enacted by subsection 1 of section 1 of *The Real Estate and Business Brokers Amendment Act, 1964*, and clause *c* of section 1 of *The Real Estate and Business Brokers Act* are repealed, and the following substituted therefor: R.S.O. 1960.  
c. 344, s. 1,  
cl. *ba*  
(1964, c. 99,  
s. 1, subs. 1),  
repealed;  
cl. *c*,  
re-enacted

- (c) "Department" means the Department of Financial and Commercial Affairs;
- (ca) "Director" means the Director of the Consumer Protection Division of the Department;
- (cb) "Minister" means the Minister of Financial and Commercial Affairs;
- (cc) "officer" means the chairman or vice-chairman of the board of directors, president, vice-president, secretary, treasurer or secretary-treasurer or general manager of a corporation or a partner or general manager of a partnership and includes the manager of the real estate department of a trust company.

(2) The said section 1 is amended by adding thereto the following clause: R.S.O. 1960  
c. 344, s. 1,  
amended

- (l) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*. 1966, c. 41

2. *The Real Estate and Business Brokers Act* is amended by striking out: R.S.O. 1960  
c. 344,  
amended

- (a) section 3;

- (b) sections 4 and 5, as amended by sections 3 and 4 respectively, of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (c) sections 6, 7, 8 and 9, as re-enacted by section 5 of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (d) section 9a, as enacted by section 5 of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (e) section 10, as amended by section 5 of *The Real Estate and Business Brokers Amendment Act, 1962-63*;
- (f) section 11, as re-enacted by section 6 of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (g) sections 12 and 13, as amended by sections 6 and 7 respectively, of *The Real Estate and Business Brokers Amendment Act, 1962-63*;
- (h) sections 14 and 15;
- (i) section 17, as amended by section 8 of *The Real Estate and Business Brokers Amendment Act, 1962-63*;
- (j) sections 18, 19 and 20;
- (k) section 21, as amended by section 9 of *The Real Estate and Business Brokers Amendment Act, 1962-63*;
- (l) section 22;
- (m) section 23, as amended by section 10 of *The Real Estate and Business Brokers Amendment Act, 1962-63*;
- (n) sections 24 and 25, as amended by sections 8 and 9 respectively, of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (o) section 26, as re-enacted by section 10 of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (p) section 29, as amended by section 11 of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (q) sections 30, 31, 32 and 33, as re-enacted by section 12 of *The Real Estate and Business Brokers Amendment Act, 1964*,

and inserting in lieu thereof the following:

## 3.—(1) No person shall,

Registration

- (a) trade in real estate as a broker unless he is registered as a broker;
- (b) trade in real estate as a salesman unless he is registered as a salesman of a registered broker;
- (c) act on behalf of a corporation or partnership in connection with a trade in real estate unless he and the corporation or partnership are registered as brokers.

(2) Any change in the membership of a partnership shall be deemed to create a new partnership for the purpose of registration. Change in partnership

(3) A change in the officers of a corporation registered as a broker may be made only with the consent of the Registrar. Change in officers of corporation

4.—(1) No broker shall conduct a business of trading in real estate from more than one place at which the public is invited to deal unless he is registered in respect of each such place, one of which shall be designated in the registration as the main office and the remainder as branch offices. Registration of branch offices

(2) Each branch office shall be under the supervision of a registered broker and each branch office having more than one registered salesman shall be under direct management by a registered broker or by a salesman who has been registered for at least two years and who is under the supervision of a registered broker. Management of branch offices

5. Registration shall not be required in respect of any trade in real estate by, Exemptions

- (a) an assignee, custodian, liquidator, receiver, trustee or other person acting under the *Bankruptcy Act* (Canada), *The Corporations Act*, *The Judicature Act*, the *Winding-up Act* (Canada), or to a person acting under the order of any court, or an executor or trustee selling under the terms of a will, marriage settlement or deed of trust; R.S.C. 1952, cc. 14, 296  
R.S.O. 1960, cc. 171, 197
- (b) an auctioneer where the trade is made in the course of and as part of his duties as auctioneer;



1966, c. 142

R.S.O. 1960,  
c. 241

- (c) a person who is registered under *The Securities Act, 1966* where the trade is made in the course of and as part of his business in connection with a trade in securities;
- (d) a bank or a loan, trust or insurance company trading in real estate owned or administered by the company;
- (e) a person in respect of any mine or mining property within the meaning of *The Mining Act* or in respect of the real estate included in a Crown grant or lease, a mining claim or mineral lands under *The Mining Act* or any predecessor thereof;
- (f) a full-time salaried employee of a party to a trade where the employee is acting for or on behalf of his employer in respect of land situate in Ontario;
- (g) a person who is practising as a solicitor of the Supreme Court where the trade is made in the course of and as a part of the solicitor's practice;
- (h) a person, on his own account, in respect of his real estate, where such trade did not result from,
  - (i) an offer of such person to act, in connection with such trade or any other trade, for or on behalf of the other party or one of the other parties to the trade, or
  - (ii) a request that such person act, in connection with such trade or any other trade, for or on behalf of the other party or one of the other parties to the trade,

and the interest of such person in the real estate was acquired prior to such offer or request; or

- (i) a person in respect of the provision for another, for remuneration other than by commission, of all consultations, undertakings and services necessary to arrange for the routing of a right-of-way including the acquisition of land or interests in land for the purpose, and his employees engaged in the project;

- (j) a person specifically exempted by the regulations in respect of any class of trades in real estate.

6.—(1) An applicant is entitled to registration or Registration of agencies renewal of registration except where,

- (a) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;
- (b) the application is for registration as a salesman and the applicant is not employed, appointed or authorized by a broker to trade in real estate on his behalf;
- (c) the applicant is or proposes to be in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions as are consented to by the applicant, imposed Conditions of registration by the Tribunal or prescribed by the regulations.

7.—(1) A corporation having share capital shall not be Registration of broker corporation registered as a broker,

- (a) unless the persons holding shares carrying at least 51 per cent of the voting rights attached to all shares of the corporation for the time being outstanding are registered brokers, but this clause does not apply to a corporation that is a trust company registered under The Loan and Trust Corporations Act;

R.S.O. 1960,  
c. 222

- (b) if any broker holding voting shares of the corporation acts as broker in respect of any other business registered as a broker or holds voting shares in any other corporation registered as a broker, but this clause does not apply to the holding of voting shares of a corporation that is a trust company registered under The Loan and Trust Corporations Act where the shares held do not give the holder a substantial interest; or

- (c) if a salesman holds shares of the corporation carrying more than 10 per cent of the voting rights attached to all shares of the corporation for the time being outstanding.

(2) A person other than a broker or salesman may hold Share-holders other than brokers or salesmen voting shares of more than one corporation regis-

tered as brokers except that where such person holds voting shares in more than one such corporation he shall not hold more than 10 per cent of the voting shares of each such corporation for the time being outstanding.

Salesmen  
as share-  
holders

(3) A salesman shall not,

- (a) acquire shares of a corporation registered as a broker unless the shares are acquired while he is a salesman for the corporation, but this clause does not apply to the acquisition of shares of a corporation that is a trust company registered under *The Loan and Trust Corporations Act*;
- (b) hold shares in more than one corporation registered as brokers, at the same time, other than shares of a corporation that is a trust company registered under *The Loan and Trust Corporations Act*; or
- (c) become a salesman for another broker until he discloses his interest to such broker.

R.S.O. 1960,  
c. 222

Revocation

8.—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 6 or 7 if he were an applicant, or where the registrant is in breach of a condition of the registration.

Voluntary  
cancellation

(2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Hearing by  
Tribunal

9.—(1) Where the Registrar refuses to issue or renew a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

Notice of  
hearing

(2) The Tribunal shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

- (3) The notice of hearing shall contain, Idem
- (a) a statement of the time and place of the hearing;
  - (b) a statement of the statutory power under which the hearing is being held;
  - (c) a reference to the rules of procedure applicable to the hearing;
  - (d) a concise statement of the issues; and
  - (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings.
- 10.—(1) The Registrar, the applicant or registrant and Parties  
any other person specified by the Tribunal are parties to the hearing.
- (2) If a person who has been duly notified of a hearing Failure to attend  
does not attend, the Tribunal may proceed in his absence.
- 11.—(1) A hearing may be adjourned from time to time Adjournment  
by the Tribunal on reasonable grounds,
- (a) on its own motion; or
  - (b) on the motion of any party to the hearing.
- (2) The Tribunal may, in the prescribed form, command Subpoenas  
the attendance before it of any person as a witness.
- (3) The Tribunal may require any person, Oaths
- (a) to give evidence on oath at a hearing; and
  - (b) to produce such documents and things as the Tribunal requires.
- (4) The Tribunal may admit evidence not given under Idem  
oath.
- (5) Any person who, without lawful excuse, Offences
- (a) on being duly summoned as a witness before the Tribunal, makes default in attending; or
  - (b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to



produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or

- (c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 6.

Enforce-  
ment

- (6) The Tribunal may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right  
of party  
to counsel

12. Any party may be represented before the Tribunal by counsel or agent.

Right of  
witness to  
counsel

- 13.—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Exclusion  
of counsel

- (2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence.

Right of  
parties at  
hearing

14. At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

Hearings  
to be open  
to public;  
exceptions

- 15.—(1) All hearings shall be open to the public except where the Tribunal finds that,

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.

- (2) Notwithstanding the exceptions mentioned in clauses <sup>Idem</sup> *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions.
16. Documents and things put in evidence at a hearing <sup>Release of exhibits</sup> shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined.
- 17.—(1) The Tribunal may consider in reaching its <sup>Specialized knowledge</sup> decision any facts and information that are within its knowledge and that have not been introduced in evidence.
- (2) The Tribunal shall notify all parties to a proceeding <sup>Notice</sup> of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information.
- (3) The Tribunal shall cause a notice containing a state- <sup>Contents and service of notice</sup> ment of such facts or information to be served upon all the parties.
18. All oral evidence received by the Tribunal shall be <sup>Record</sup> taken down in writing and together with,
- (a) the notice of hearing;
  - (b) any rulings or orders made in the course of the proceedings of the Tribunal;
  - (c) any written submissions received by the Tribunal; and
  - (d) the decision and the reasons therefor,
- form the record.
- 19.—(1) The Tribunal may, after the hearing, <sup>Decision of Tribunal</sup>
- (a) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;

- (b) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

Decision  
to be in  
writing

- (2) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Contents of  
reasons for  
decision

- (3) The reasons for the final decision shall contain,

(a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(b) any agreed findings of facts; and

(c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of  
decision

- (4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal.

Enforce-  
ment of  
decisions

20. A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Appeal to  
Court of  
Appeal

- 21.—(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

Counsel

- (2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section.

Decision  
of court

- (3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may

substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

- (4) The decision of the Court of Appeal is final. <sup>Idem</sup>
22. An order of the Tribunal refusing to renew or <sup>Stay</sup> suspending or revoking a registration shall take effect immediately but the Tribunal may grant a stay until the order becomes final.
23. A further application for registration may be made <sup>Further applications</sup> upon new or other evidence or where it is clear that material circumstances have changed.
- 24.—(1) Where the Registrar receives a complaint in <sup>Investigation of complaints</sup> respect of a broker and so requests in writing, the broker shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.
- (2) The request under subsection 1 shall indicate the <sup>Idem</sup> general nature of the inquiry involved.
- (3) For the purposes of subsection 1, the Registrar or <sup>Idem</sup> any person designated in writing by him may at any reasonable time enter upon the business premises of the registrant to make an inspection in relation to the complaint.
- 25.—(1) The Registrar or any person designated by him <sup>Inspection</sup> in writing, may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts and the regulation of trades are being complied with.
- (2) Where the Registrar has reasonable and probable <sup>Idem</sup> grounds to believe that any person is acting as a broker or salesman while unregistered, the Registrar or any person designated by him in writing, may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3 or 4.
- 26.—(1) Upon an inspection under section 24 or 25, <sup>Powers on inspection</sup> the person inspecting,



- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissi-  
bility of  
copies

- (2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original.

Investiga-  
tions

- 27.—(1) Where, upon a statement made under oath, it appears probable to the Director that any person has,

- (a) contravened any of the provisions of this Act or the regulations; or

1953-54,  
c. 51 (Can.)

- (b) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulations or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

Investiga-  
tion by  
order of  
Minister

- (2) Notwithstanding subsection 1, the Minister may by order appoint one or more persons to make an investigation into any matter to which this Act applies and the person appointed shall report the result of his investigation to the Minister.

Scope of  
investiga-  
tion

- (3) For the purpose of any investigation ordered under this section, any person appointed to make the investigation may at any reasonable time enter upon

the business premises and may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or in connection with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the investigation.

- (4) Any person making an investigation under this section may, upon giving a receipt therefor, remove any document or record relating to the person whose affairs are being investigated and that relate to the subject-matter of the investigation, for the purpose of making a copy of such document or record, provided that such copying is carried out with reasonable dispatch and the document or record in question is promptly thereafter returned to the person whose affairs are being investigated. <sup>Removal of records</sup>
- (5) Any copy made as provided in subsection 4 and purporting to be certified by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original document or record. <sup>Admissibility of copies</sup>
- (6) The Minister or Director may appoint any expert to examine documents, records, properties and matters of any person whose affairs are being investigated under this Act. <sup>Appointment of experts</sup>
- (7) The investigator may, in the prescribed form, command the attendance before him of any person as a witness and subsections 2 to 6 of section 11 and section 13 apply to the investigator and the witness in the same manner as to the Tribunal and witnesses before it. <sup>Evidence by witness</sup>
- (8) No person, without the consent of the Minister, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under this section or the name of any witness examined or sought to be examined in such investigation. <sup>Confidentiality</sup>

Report

28. Where, upon the report of an investigation made under subsection 1 of section 27, it appears to the Director that a person may have,

(a) contravened any of the provisions of this Act or the regulations; or

1953-54,  
c. 51 (Can.)

(b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister.

Order to  
refrain from  
dealing with  
assets

29.—(1) The Director may,

(a) after an investigation of any person has been ordered under section 27; or

(b) where criminal proceedings or proceedings in respect of a contravention of any Act or regulation are about to be or have been instituted against a person that in the opinion of the Director are connected with or arise out of the business in respect of which such person is registered or required to be registered,

in writing or by telegram, direct any person having on deposit or under control or for safe-keeping any assets or trust funds of the person referred to in clause *a* or *b*, to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any other person having any of them on deposit, under control or for safe-keeping or to hold such assets or trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes such direction or consents to release any particular asset or trust fund from the direction, but, in the case of a bank, loan or trust company, the direction only applies to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,  
cc. 14, 296  
R.S.O. 1960,  
cc. 197, 71





SECTION 3. The name of the sales record sheet required to be kept by brokers is changed to trade record sheet to include leases and other trades not constituting sales.

SECTION 4. The new provision provides for the disposition of unclaimed trust money.

- (2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

- (a) a personal bond accompanied by collateral security;
- (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or R.S.O. 1960, c. 168
- (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

in such form, terms and amount as the Director determines.

- (3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just. Application for direction

- (4) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice. Notice to registrar of deeds, etc.

**3.** Subsection 1 of section 35 of *The Real Estate and Business Brokers Act* is amended by striking out "sales" in the first line and inserting in lieu thereof "trade", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 344, s. 35, subs. 1, amended

- (1) Every broker shall keep a trade record sheet in the prescribed form and proper books and accounts with respect to his trades and shall enter therein in the case of each trade, Books, etc., to be kept

. . . . .

**4.** Section 36 of *The Real Estate and Business Brokers Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 344, s. 36, amended

Unclaimed  
trust  
moneys

- (2) Where a broker holds moneys in trust for a period of one year after the person for whom it is held first became entitled to payment of the moneys and such person cannot be located, the broker shall pay the moneys to the Treasurer of Ontario who shall pay the moneys to the person appearing to the Treasurer to be entitled thereto.

R.S.O. 1960,  
c. 344, s. 37,  
re-enacted;  
s. 38,  
repealed

5. Section 37 and section 38, as amended by section 22 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, of *The Real Estate and Business Brokers Act* are repealed and the following substituted therefor:

Notice of  
changes

- 37.—(1) Every broker shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in his address for service;
- (b) any change in the officers in the case of a corporation or partnership;
- (c) any commencement or termination of employment, appointment or authorization of a salesman.

Idem

- (2) Every salesman shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in his address for service;
- (b) any commencement or termination of his employment, appointment or authorization by a broker.

Idem

- (3) The Registrar shall be deemed to be notified under subsections 1 and 2 on the day on which he is actually notified or, where the notification is by mail, on the day of mailing.

Financial  
statements

- (4) Every broker carrying on the business of trading in real estate shall, when required by the Registrar with the approval of the Director, file a financial statement showing the matters specified by the Registrar and signed by the proprietor or officer of the broker's business and certified by a person licensed under *The Public Accountancy Act*.

R.S.O. 1960,  
c. 317

R.S.O. 1960,  
c. 344, s. 45,  
repealed

6. Section 45 of *The Real Estate and Business Brokers Act* is repealed.

R.S.O. 1960,  
c. 344, s. 47,  
re-enacted

7. Section 47 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

SECTION 5. The substance of the provisions repealed are contained in section 25, as re-enacted by section 2 of the Bill, and subsection 3 of section 27, as re-enacted by this section of the Bill. The remainder of the new section 37 was formerly contained in section 11 of the Act.

SECTION 6. The section repealed required the publication on letter-heads of brokers the names of persons having over 10 per cent interest in the business.

SECTION 7. The prohibition against a broker using salesmen of another broker is qualified to permit this in respect of a sale outside Ontario.



SECTION 8. The present provision requires disclosure of negotiations for resale where a broker or salesman purchases or offers to purchase real estate listed with him. The new section requires disclosure of the fact the purchaser is a broker or salesman in all cases where he purchases for resale. Where the property is listed with a broker who is the purchaser for resale, the statement must also disclose any facts within his special knowledge affecting the value and any negotiations for resale.

SECTION 9. The provision added requires an offer or listing agreement to bear the true date on which it was executed.

## 47. No broker shall,

- (a) employ or engage the salesman of another broker to trade in real estate or permit such salesman to act on his behalf;
- (b) employ or engage an unregistered person to trade in real estate or permit such person to act on his behalf; or
- (c) pay any commission or other remuneration to any person referred to in clause *a* or *b*,

Employment of unregistered person or salesman of other broker

but this section does not prevent the employing, engaging or paying of a person who is duly registered or licensed as a broker or its equivalent in another jurisdiction in respect of a trade in that jurisdiction.

**8.** Section 49 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 344, s. 49, re-enacted

- 49.—(1) No broker or salesman shall purchase, lease, exchange or otherwise acquire for himself or make an offer to purchase, lease, exchange or otherwise acquire for himself, either directly or indirectly, any interest in real estate for the purpose of resale unless he first delivers to the vendor a written statement that he is a broker or salesman, as the case may be, and the vendor has acknowledged in writing that he has received the statement.

Statement where broker or salesman purchases for resale

- (2) Where real estate in respect of which a broker or salesman is required to give a statement under subsection 1 is listed with the broker or, in the case of a salesman, is listed with the broker by whom the salesman is employed, appointed or authorized to trade in real estate, the statement shall include,

Idem, where property listed with purchaser

- (a) full disclosure of all facts within his special knowledge that affect or will affect the resale value of the real estate; and
- (b) the particulars of any negotiation or agreement by or on behalf of the broker or salesman for the sale, exchange, lease or other disposition of any interest in the real estate to any other person.

**9.** Section 50 of *The Real Estate and Business Brokers Act* is amended by adding thereto the following subsection:

R.S.O. 1960, c. 344, s. 50, amended

Date of  
signing  
listing  
or offer

- (3) Every person signing a listing agreement or an agreement for sale or rental of real estate shall state with his signature the date upon which the signature was actually affixed.

R.S.O. 1960,  
c. 344, s. 51,  
subs. 2,  
cl. d,  
amended

**10.** Clause *d* of subsection 2 of section 51 of *The Real Estate and Business Brokers Act* is amended by inserting after "business" where it occurs the second time in the fourth line "has refused to do so or", so that the clause shall read as follows:

- (d) that the person disposing of the business has made available such books of account of the business as he possesses for inspection by the person acquiring the business, or that the person disposing of the business has refused to do so or has no books of account of the business, as the case may be,

R.S.O. 1960,  
c. 344, s. 54a  
(1962-63,  
c. 123, s. 24)  
re-enacted

**11.** Section 54a of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Interpre-  
tation

- 54a. In sections 54b to 54l, "subdivision" means improved or unimproved land divided or proposed to be divided into five or more lots or other units for the purpose of sale or lease and includes land divided or proposed to be divided into condominium units.

R.S.O. 1960,  
c. 344, s. 54c  
(1962-63,  
c. 123, s. 24),  
subs. 1,  
cls. a, b,  
re-enacted

**12.** Clauses *a* and *b* of subsection 1 of section 54c of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, are repealed and the following substituted therefor:

- (a) a copy of the prospectus referred to in section 54b or such shorter form of the prospectus as the Registrar may have approved for distribution to the public has been delivered to the prospective purchaser or tenant, as the case may be;
- (b) the prospective purchaser or tenant has in writing acknowledged receipt of a copy of the prospectus or the shorter form of the prospectus and that he has been afforded the opportunity to read it; and
- (c) he is a registered broker or the contract is negotiated by a registered broker.

SECTION 10. The requirement that the broker deliver to the purchaser of a business a sworn statement that the vendor has made his books available is qualified to permit a specific statement that he is not making his books available as this may be part of the arrangement between the vendor and purchaser over which the broker has no control.

SECTION 11. The controls over sale of lands outside Ontario are extended to include sale of condominium units.

SECTION 12. The requirement that the prospectus for sale of lands outside Ontario be delivered to the purchaser is modified to permit the Registrar to require a more complex prospectus and approve a more easily understood version for public perusal. Also the sale in Ontario of lands outside Ontario is required to be made through a registered broker.



SECTION 13. The clause is added to the grounds upon which the Registrar may refuse to certify a prospectus for sale of land outside Ontario.

SECTION 14. The scope of inquiries that may be made respecting prospectuses for the sale of lands located outside Ontario is enlarged.

SECTION 15. Advertisements for the sale of lands located outside Ontario are required to be submitted to the Registrar in advance.

SECTION 16. The provisions in the amendment are included in the present Act and contain no change in principle except the authority to intervene to stop false advertising is added in the same way as in other registration Acts administered by the Department, and the provision protecting Departmental officials against civil action is deleted as it is contained in An Act to amend The Department of Financial and Commercial Affairs Act, 1966.

**13.** Section 54e of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is amended by adding thereto the following clause:

- (e) the proposed methods of offering do not accord with standard real estate practices in Ontario.

**14.** Subsection 1 of section 54f of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is repealed and the following substituted therefor:

- (1) The Registrar may make such inquiries in respect of a prospectus as he deems necessary, including,

- (a) an examination of the subdivision and any of the surrounding circumstances; and
- (b) the obtaining of reports from public authorities or others within or outside Ontario.

**15.** *The Real Estate and Business Brokers Act* is amended by adding thereto the following sections:

54k. No person shall publish or cause to be published any advertisement for the sale of a lot or unit in a subdivision located outside Ontario until the advertisement has been approved by the Registrar.

54l. Sections 54a to 54k do not apply in respect of a sale of a lot or unit in a subdivision in which the vendor has not, within the previous five years, owned directly or indirectly, five or more lots or units.

**16.** Section 55, as re-enacted by section 14 of *The Real Estate and Business Brokers Amendment Act, 1964*, and section 57, as amended by section 15 of *The Real Estate and Business Brokers Amendment Act, 1964*, of *The Real Estate and Business Brokers Act* are repealed and the following substituted therefor:

55. Where, in the opinion of the Registrar, a broker is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 9 to 21 apply to the order in the same manner as to a decision of the Registrar refusing registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

- Service 56.—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.
- Idem (2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing.
- Exception (3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal.
- Restraining orders 57.—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.
- Appeal (2) An appeal lies to the Court of Appeal from an order made under subsection 1.
- Offences 57a.—(1) Every person who,
- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
  - (b) fails to comply with any order, direction or other requirement made under this Act; or
  - (c) contravenes any provision of this Act or the regulations,
- and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.





SECTION 17. The regulation section is amended and is self-explanatory.

- (2) Where a corporation is convicted of an offence Corporations under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.
- (3) No proceedings under this section shall be instituted Consent of Minister except with the consent of the Minister.
- (4) No proceeding under clause *a* of subsection 1 shall Limitation be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.
- (5) No proceeding under clause *b* or *c* of subsection 1 Idem shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

57*b*. A statement as to,

Certificate  
as evidence

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

**17.**—(1) Clauses *b* and *c* of section 58 of *The Real Estate* R.S.O. 1960,  
c. 344, s. 58,  
(cls. *b*, *c*,  
re-enacted and *Business Brokers Act* are repealed and the following substituted therefor:

- (b) requiring registrants or any class thereof to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;

(c) requiring and governing the books, accounts and records that shall be kept by registered brokers and providing for the disposition of unclaimed money;

(ca) governing applications for registration or renewal of registration and prescribing terms and conditions of registration.

R.S.O. 1960,  
c. 344, s. 58,  
cl. g  
(1962-63,  
c. 123, s. 26,  
subs. 2),  
re-enacted

(2) Clause *g* of the said section 58, as re-enacted by sub-section 2 of section 26 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is repealed and the following substituted therefor:

(g) requiring registrants to make returns and furnish information to the Registrar;

(ga) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

R.S.O. 1960,  
c. 344, s. 58,  
amended

(3) The said section 58 is amended by adding thereto the following clauses:

(ha) prescribing further procedures respecting the conduct of matters coming before the Tribunal;

(hb) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof.

R.S.O. 1960,  
c. 344, s. 59  
(1964, c. 99,  
s. 16),  
repealed

**18.** Section 59 of *The Real Estate and Business Brokers Act*, as re-enacted by section 16 of *The Real Estate and Business Brokers Amendment Act, 1964*, is repealed.

Unfinished  
proceedings

**19.**—(1) This Act does not apply in respect of any investigation, proceeding or prosecution commenced before this Act comes into force, except that any certificate required to be given by the Director of the Registration and Examination Branch of the Department and given after this Act comes into force shall be given by the Director of the Consumer Protection Division.

Director's  
knowledge  
imputed

(2) For the purpose of any prosecution commenced before or after this Act comes into force, any knowledge of the Director of the Registration and Examination Branch of the Department shall be imputed to the Director of the Consumer Protection Division.

Commence-  
ment

**20.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**21.** This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1968-69*.

SECTION 18. The section repealed is re-enacted by section 16 of the Bill.







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An Act to amend  
The Real Estate and Business Brokers Act

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*1st Reading*

June 6th, 1969

*2nd Reading*

September 30th, 1969

*3rd Reading*

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MR. ROWNTREE

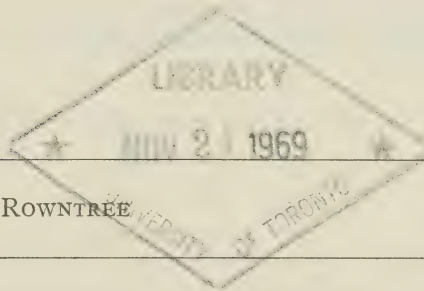
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(Reprinted as amended by the  
*Legal and Municipal Committee*)

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend  
The Real Estate and Business Brokers Act**

MR. ROWNTREE



*(Reprinted as amended by the Committee of the Whole House)*



#### EXPLANATORY NOTES

SECTION 1. The definitions are amended as complementary to the remainder of the Bill.

SECTION 2. The procedures for registration and investigation are rewritten for uniformity with other registration Acts administered by the Department. The Commercial Registration Appeal Tribunal is given the function of holding all hearings with appeals to the Court of Appeal. The provisions respecting bonding are moved to the regulations. A requirement is added governing the ownership of shares in a corporation before it can be registered as a broker.

BILL 176

1968-69

## An Act to amend The Real Estate and Business Brokers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *ba*, as enacted by subsection 1 of section 1 of *The Real Estate and Business Brokers Amendment Act, 1964*, and clause *c* of section 1 of *The Real Estate and Business Brokers Act* are repealed, and the following substituted therefor:

R.S.O. 1960.  
c. 344, s. 1,  
cl. *ba*  
(1964, c. 99,  
s. 1, subs. 1),  
repealed;  
cl. *c*,  
re-enacted

- (c) “Department” means the Department of Financial and Commercial Affairs;
- (ca) “Director” means the Director of the Consumer Protection Division of the Department;
- (cb) “Minister” means the Minister of Financial and Commercial Affairs;
- (cc) “officer” means the chairman or vice-chairman of the board of directors, president, vice-president, secretary, treasurer or secretary-treasurer or general manager of a corporation or a partner or general manager of a partnership and includes the manager of the real estate department of a trust company.

(2) The said section 1 is amended by adding thereto the following clause:

R.S.O. 1960  
c. 344, s. 1,  
amended

- (l) “Tribunal” means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*.

**2.** *The Real Estate and Business Brokers Act* is amended by striking out:

R.S.O. 1960  
c. 344,  
amended

- (a) section 3;

- (b) sections 4 and 5, as amended by sections 3 and 4 respectively, of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (c) sections 6, 7, 8 and 9, as re-enacted by section 5 of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (d) section 9a, as enacted by section 5 of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (e) section 10, as amended by section 5 of *The Real Estate and Business Brokers Amendment Act, 1962-63*;
- (f) section 11, as re-enacted by section 6 of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (g) sections 12 and 13, as amended by sections 6 and 7 respectively, of *The Real Estate and Business Brokers Amendment Act, 1962-63*;
- (h) sections 14 and 15;
- (i) section 17, as amended by section 8 of *The Real Estate and Business Brokers Amendment Act, 1962-63*;
- (j) sections 18, 19 and 20;
- (k) section 21, as amended by section 9 of *The Real Estate and Business Brokers Amendment Act, 1962-63*;
- (l) section 22;
- (m) section 23, as amended by section 10 of *The Real Estate and Business Brokers Amendment Act, 1962-63*;
- (n) sections 24 and 25, as amended by sections 8 and 9 respectively, of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (o) section 26, as re-enacted by section 10 of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (p) section 29, as amended by section 11 of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (q) sections 30, 31, 32 and 33, as re-enacted by section 12 of *The Real Estate and Business Brokers Amendment Act, 1964*,

and inserting in lieu thereof the following:

## 3.—(1) No person shall,

Registration

- (a) trade in real estate as a broker unless he is registered as a broker;
- (b) trade in real estate as a salesman unless he is registered as a salesman of a registered broker;
- (c) act on behalf of a corporation or partnership in connection with a trade in real estate unless he and the corporation or partnership are registered as brokers.

- (2) Any change in the membership of a partnership shall be deemed to create a new partnership for the purpose of registration. Change in partnership
- (3) A change in the officers of a corporation registered as a broker may be made only with the consent of the Registrar. Change in officers of corporation

4.—(1) No broker shall conduct a business of trading in real estate from more than one place at which the public is invited to deal unless he is registered in respect of each such place, one of which shall be designated in the registration as the main office and the remainder as branch offices. Registration of branch offices

- (2) Each branch office shall be under the supervision of a registered broker and each branch office having more than one registered salesman shall be under direct management by a registered broker or by a salesman who has been registered for at least two years and who is under the supervision of a registered broker. Management of branch offices

5. Registration shall not be required in respect of any trade in real estate by, Exemptions

- (a) an assignee, custodian, liquidator, receiver, trustee or other person acting under the *Bankruptcy Act* (Canada), *The Corporations Act*, *The Judicature Act*, the *Winding-up Act* (Canada), or to a person acting under the order of any court, or an executor or trustee selling under the terms of a will, marriage settlement or deed of trust; R.S.C. 1952, cc. 14, 296  
R.S.O. 1960, cc. 71, 197
- (b) an auctioneer where the trade is made in the course of and as part of his duties as auctioneer;



1966, c. 142

(c) a person who is registered under *The Securities Act, 1966* where the trade is made in the course of and as part of his business in connection with a trade in securities;

(d) a bank or a loan, trust or insurance company trading in real estate owned or administered by the company;

R.S.O. 1960,  
c. 241

(e) a person in respect of any mine or mining property within the meaning of *The Mining Act* or in respect of the real estate included in a Crown grant or lease, a mining claim or mineral lands under *The Mining Act* or any predecessor thereof;

(f) a full-time salaried employee of a party to a trade where the employee is acting for or on behalf of his employer in respect of land situate in Ontario;

(g) a person who is practising as a solicitor of the Supreme Court where the trade is made in the course of and as a part of the solicitor's practice;

(h) a person, on his own account, in respect of his real estate, where such trade did not result from,

(i) an offer of such person to act, in connection with such trade or any other trade, for or on behalf of the other party or one of the other parties to the trade, or

(ii) a request that such person act, in connection with such trade or any other trade, for or on behalf of the other party or one of the other parties to the trade,

and the interest of such person in the real estate was acquired prior to such offer or request; or

(i) a person in respect of the provision for another, for remuneration other than by commission, of all consultations, undertakings and services necessary to arrange for the routing of a right-of-way including the acquisition of land or interests in land for the purpose, and his employees engaged in the project;

- (j) a person specifically exempted by the regulations in respect of any class of trades in real estate.

6.—(1) An applicant is entitled to registration or <sup>Registration of agencies</sup> renewal of registration except where,

- (a) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;
- (b) the application is for registration as a salesman and the applicant is not employed, appointed or authorized by a broker to trade in real estate on his behalf;
- (c) the applicant is or proposes to be in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions as are consented to by the applicant, imposed <sup>Conditions of registration</sup> by the Tribunal or prescribed by the regulations.

7.—(1) A corporation having share capital shall not be <sup>Registration of broker corporation</sup> registered as a broker,

- (a) unless the persons holding shares carrying at least 51 per cent of the voting rights attached to all shares of the corporation for the time being outstanding are registered brokers, but this clause does not apply to a corporation that is a trust company registered under *The Loan and Trust Corporations Act*;
- (b) if any broker holding voting shares of the corporation acts as broker in respect of any other business registered as a broker or holds voting shares in any other corporation registered as a broker, but this clause does not apply to the holding of voting shares of a corporation that is a trust company registered under *The Loan and Trust Corporations Act* where the shares held do not give the holder a substantial interest; or
- (c) if a salesman holds shares of the corporation carrying more than 10 per cent of the voting rights attached to all shares of the corporation for the time being outstanding.

R.S.O. 1960.  
c. 222

(2) Clause *b* of subsection 1 does not apply to a corporation that is a trust company registered under *The Loan and Trust Corporations Act* in which a broker <sup>Exception</sup>

1968-69,  
c.

holds voting shares amounting to a substantial interest where the shares were held and the trust company was registered under this Act immediately before *The Real Estate and Business Brokers Amendment Act, 1968-69* came into force.

Share-  
holders other  
than brokers  
or salesmen

- (3) A person other than a broker or salesman may hold voting shares of more than one corporation registered as brokers except that where such person holds voting shares in more than one such corporation he shall not hold more than 10 per cent of the voting shares of each such corporation for the time being outstanding.

Salesmen  
as share-  
holders

- (4) A salesman shall not,

(a) acquire shares of a corporation registered as a broker unless the shares are acquired while he is a salesman for the corporation, but this clause does not apply to the acquisition of shares of a corporation that is a trust company registered under *The Loan and Trust Corporations Act*;

R.S.O. 1960,  
c. 222

(b) hold shares in more than one corporation registered as brokers, at the same time, other than shares of a corporation that is a trust company registered under *The Loan and Trust Corporations Act*; or

(c) become a salesman for another broker until he discloses his interest to such broker.

Revocation

- 8.—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 6 or 7 if he were an applicant, or where the registrant is in breach of a condition of the registration.

Voluntary  
cancellation

- (2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Hearing by  
Tribunal

- 9.—(1) Where the Registrar refuses to issue or renew a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the

Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

- (2) Where the Registrar refuses to renew a registration, <sup>Stay of refusal to renew</sup> the applicant shall be deemed to continue to be registered until an order is made by the Tribunal or until the time for requiring a hearing by the Tribunal expires, whichever occurs first.
- (3) The Tribunal shall fix a date for the hearing and shall <sup>Notice of hearing</sup> serve notice of the hearing on the parties at least ten days before the day fixed.
- (4) The notice of hearing shall contain, Idem
- (a) a statement of the time and place of the hearing;
  - (b) a statement of the statutory power under which the hearing is being held;
  - (c) a reference to the rules of procedure applicable to the hearing;
  - (d) a concise statement of the issues; and
  - (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings.
- 10.—(1) The Registrar, the applicant or registrant and <sup>Parties</sup> any other person specified by the Tribunal are parties to the hearing.
- (2) If a person who has been duly notified of a hearing <sup>Failure to attend</sup> does not attend, the Tribunal may proceed in his absence.
- 11.—(1) A hearing may be adjourned from time to time <sup>Adjournment</sup> by the Tribunal on reasonable grounds,
- (a) on its own motion; or
  - (b) on the motion of any party to the hearing.
- (2) The Tribunal may, in the prescribed form, command <sup>Subpoenas</sup> the attendance before it of any person as a witness.



## Oaths

(3) The Tribunal may require any person,

- (a) to give evidence on oath at a hearing; and
- (b) to produce such documents and things as the Tribunal requires.

Objection re  
self-  
incrimination

(4) An applicant or registrant giving evidence under oath before the Tribunal shall be advised of his right to object to answer any question under section 9 of *The Evidence Act* and section 5 of the *Canada Evidence Act*.

R.S.O. 1960,  
c. 125  
R.S.C. 1952,  
c. 397

Unsworn  
testimony

(5) The Tribunal may admit evidence not given under oath.

## Offences

(6) Any person who, without lawful excuse,

- (a) on being duly summoned as a witness before the Tribunal, makes default in attending; or
- (b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or
- (c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 7.

Enforce-  
ment

(7) The Tribunal may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right  
of party  
to counsel

12. Any party may be represented before the Tribunal by counsel or agent.

Right of  
witness to  
counsel

13.—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

- (2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. Exclusion of counsel
14. At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. Right of parties at hearing
- 15.—(1) All hearings shall be open to the public except where the Tribunal finds that, Hearings to be open to public; exceptions
- (a) public security may be involved; or
  - (b) intimate financial or personal circumstances of any person may be disclosed,
- in which case the Tribunal shall hold the hearing as to any such matters *in camera*.
- (2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions. Idem
16. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. Release of exhibits
- 17.—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence. Specialized knowledge
- (2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information. Notice
- (3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. Contents and service of notice
18. All oral evidence received by the Tribunal shall be taken down in writing and together with, Record
- (a) the notice of hearing;
  - (b) any rulings or orders made in the course of the proceedings of the Tribunal;
  - (c) any written submissions received by the Tribunal; and

(d) the decision and the reasons therefor,  
form the record.

Decision of  
Tribunal

19.—(1) The Tribunal may, after the hearing,

(a) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;

(b) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

Decision  
to be in  
writing

(2) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Contents of  
reasons for  
decision

(3) The reasons for the final decision shall contain,

(a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(b) any agreed findings of facts; and

(c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of  
decision

(4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal.

Enforce-  
ment of  
decisions

20. A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Appeal to  
Court of  
Appeal

21.—(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

- (2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. <sup>Counsel</sup>
- (3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. <sup>Decision of court</sup>
- (4) The decision of the Court of Appeal is final. <sup>Idem</sup>
22. An order of the Tribunal refusing to renew or suspending or revoking a registration shall take effect immediately but the Tribunal may grant a stay until the order becomes final. <sup>Stay</sup>
23. A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. <sup>Further applications</sup>
- 24.—(1) Where the Registrar receives a complaint in respect of a broker and so requests in writing, the broker shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires. <sup>Investigation of complaints</sup>
- (2) The request under subsection 1 shall indicate the nature of the inquiry involved. <sup>Idem</sup>
- (3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time enter upon the business premises of the registrant to make an inspection in relation to the complaint. <sup>Idem</sup>
- 25.—(1) The Registrar or any person designated by him in writing, may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts and the regulation of trades are being complied with. <sup>Inspection</sup>
- (2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a broker or salesman while unregistered, the Registrar <sup>Idem</sup>



or any person designated by him in writing, may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3 or 4.

Powers on  
inspection

26.—(1) Upon an inspection under section 24 or 25, the person inspecting,

(a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and

(b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissi-  
bility of  
copies

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original.

Investiga-  
tions

27.—(1) Where, upon a statement made under oath, it appears probable to the Director that any person has,

(a) contravened any of the provisions of this Act or the regulations; or

1953-54,  
c. 51 (Can.)

(b) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulations or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

- (2) Notwithstanding subsection 1, the Minister may by order appoint one or more persons to make an investigation into any matter to which this Act applies and the person appointed shall report the result of his investigation to the Minister. Investigation by order of Minister
- (3) For the purpose of any investigation ordered under this section, any person appointed to make the investigation may at any reasonable time enter upon the business premises and may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or in connection with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the investigation. Scope of investigation
- (4) Any person making an investigation under this section may, upon giving a receipt therefor, remove any document or record relating to the person whose affairs are being investigated and that relate to the subject-matter of the investigation, for the purpose of making a copy of such document or record, provided that such copying is carried out with reasonable dispatch and the document or record in question is promptly thereafter returned to the person whose affairs are being investigated. Removal of records
- (5) Any copy made as provided in subsection 4 and purporting to be certified by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original document or record. Admissibility of copies
- (6) The Minister or Director may appoint any expert to examine documents, records, properties and matters of any person whose affairs are being investigated under this Act. Appointment of experts
- (7) The investigator may, in the prescribed form, command the attendance before him of any person as a witness and subsections 2 to 6 of section 11 and section 13 apply to the investigator and the witness in the same manner as to the Tribunal and witnesses before it. Evidence by witness

Confiden-  
tiality

- (8) No person, without the consent of the Minister, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under this section or the name of any witness examined or sought to be examined in such investigation.

Report

28. Where, upon the report of an investigation made under subsection 1 of section 27, it appears to the Director that a person may have,

(a) contravened any of the provisions of this Act or the regulations; or

1953-54,  
c. 51 (Can.)

(b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister.

Order to  
refrain from  
dealing with  
assets

- 29.—(1) The Director may,

(a) after an investigation of any person has been ordered under section 27; or

(b) where criminal proceedings or proceedings in respect of a contravention of any Act or regulation are about to be or have been instituted against a person that in the opinion of the Director are connected with or arise out of the business in respect of which such person is registered or required to be registered,

in writing or by telegram, direct any person having on deposit or under control or for safe-keeping any assets or trust funds of the person referred to in clause *a* or *b*, to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any other person having any of them on deposit, under control or for safe-keeping or to hold such assets or trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act* or the *Winding-up Act* (Canada), or until the

R.S.C. 1952,  
cc. 14, 296  
R.S.O. 1960,  
cc. 197, 71





SECTION 3. The name of the sales record sheet required to be kept by brokers is changed to trade record sheet to include leases and other trades not constituting sales.

Director revokes such direction or consents to release any particular asset or trust fund from the direction, but, in the case of a bank, loan or trust company, the direction only applies to the offices, branches or agencies thereof named in the direction.

- (2) Subsection 1 does not apply where the person <sup>Bond in lieu</sup> referred to in clause *a* or *b* of subsection 1 files with the Director,
- (a) a personal bond accompanied by collateral security;
  - (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or <sup>R.S.O. 1960, c. 168</sup>
  - (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,
- in such form, terms and amount as the Director determines.
- (3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of <sup>Application for direction</sup> the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just.
- (4) In any of the circumstances mentioned in clause *a* <sup>Notice to registrar of deeds, etc.</sup> or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice.
- 3.** Subsection 1 of section 35 of *The Real Estate and Business Brokers Act* is amended by striking out "sales" in the first line and inserting in lieu thereof "trade", so that the subsection, exclusive of the clauses, shall read as follows: <sup>R.S.O. 1960, c. 344, s. 35, subs. 1, amended</sup>
- (1) Every broker shall keep a trade record sheet in the <sup>Books, etc., to be kept</sup> prescribed form and proper books and accounts with respect to his trades and shall enter therein in the case of each trade,
- . . . . .

R.S.O. 1960,  
c. 344, s. 36,  
amended

4. Section 36 of *The Real Estate and Business Brokers Act* is amended by adding thereto the following subsection:

Unclaimed  
trust  
moneys

- (2) Where a broker holds moneys in trust for a period of one year after the person for whom it is held first became entitled to payment of the moneys and such person cannot be located, the broker shall pay the moneys to the Treasurer of Ontario who shall pay the moneys to the person appearing to the Treasurer to be entitled thereto.

R.S.O. 1960,  
c. 344, s. 37,  
re-enacted;  
s. 38,  
repealed

5. Section 37 and section 38, as amended by section 22 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, of *The Real Estate and Business Brokers Act* are repealed and the following substituted therefor:

Notice of  
changes

37.—(1) Every broker shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in his address for service;
- (b) any change in the officers in the case of a corporation or partnership;
- (c) any commencement or termination of employment, appointment or authorization of a salesman.

Idem

(2) Every salesman shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in his address for service;
- (b) any commencement or termination of his employment, appointment or authorization by a broker.

Idem

(3) The Registrar shall be deemed to be notified under subsections 1 and 2 on the day on which he is actually notified or, where the notification is by mail, on the day of mailing.

Financial  
statements

(4) Every broker carrying on the business of trading in real estate shall, when required by the Registrar with the approval of the Director, file a financial statement showing the matters specified by the Registrar and signed by the proprietor or officer of the broker's business and certified by a person licensed under *The Public Accountancy Act*.

R.S.O. 1960,  
c. 317

Statement  
confidential

(5) The information contained in a financial statement filed under subsection 4 is confidential and no person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of the financial statement.

SECTION 4. The new provision provides for the disposition of unclaimed trust money.

SECTION 5. The substance of the provisions repealed are contained in section 25, as re-enacted by section 2 of the Bill, and subsection 3 of section 27, as re-enacted by this section of the Bill. The remainder of the new section 37 was formerly contained in section 11 of the Act.



SECTION 6. The section repealed required the publication on letter-heads of brokers the names of persons having over 10 per cent interest in the business.

SECTION 7. The prohibition against a broker using salesmen of another broker is qualified to permit this in respect of a sale outside Ontario.

SECTION 8. The present provision requires disclosure of negotiations for resale where a broker or salesman purchases or offers to purchase real estate listed with him. The new section requires disclosure of the fact the purchaser is a broker or salesman in all cases where he purchases for resale. Where the property is listed with a broker who is the purchaser for resale, the statement must also disclose any facts within his special knowledge affecting the value and any negotiations for resale.

6. Section 45 of *The Real Estate and Business Brokers Act* is repealed. R.S.O. 1960, c. 344, s. 45, repealed

7. Section 47 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 344, s. 47, re-enacted

47. No broker shall,

- (a) employ or engage the salesman of another broker to trade in real estate or permit such salesman to act on his behalf; Employment of unregistered person or salesman of other broker
- (b) employ or engage an unregistered person to trade in real estate or permit such person to act on his behalf; or
- (c) pay any commission or other remuneration to any person referred to in clause *a* or *b*,

but this section does not prevent the employing, engaging or paying of a person who is duly registered or licensed as a broker or its equivalent in another jurisdiction in respect of a trade in that jurisdiction.

8. Section 49 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 344, s. 49, re-enacted

49.—(1) No broker or salesman shall purchase, lease, exchange or otherwise acquire for himself or make an offer to purchase, lease, exchange or otherwise acquire for himself, either directly or indirectly, any interest in real estate for the purpose of resale unless he first delivers to the vendor a written statement that he is a broker or salesman, as the case may be, and the vendor has acknowledged in writing that he has received the statement. Statement where broker or salesman purchases for resale

(2) Where real estate in respect of which a broker or salesman is required to give a statement under subsection 1 is listed with the broker or, in the case of a salesman, is listed with the broker by whom the salesman is employed, appointed or authorized to trade in real estate, the statement shall include, Idem, where property listed with purchaser

- (a) full disclosure of all facts within his special knowledge that affect or will affect the resale value of the real estate; and
- (b) the particulars of any negotiation or agreement by or on behalf of the broker or salesman for the sale, exchange, lease or other disposition of any interest in the real estate to any other person.

R.S.O. 1960,  
c. 344, s. 50,  
amended

**9.** Section 50 of *The Real Estate and Business Brokers Act* is amended by adding thereto the following subsection:

Date of  
signing  
listing  
or offer

- (3) Every person signing a listing agreement or an agreement for sale or rental of real estate shall state with his signature the date upon which the signature was actually affixed.

R.S.O. 1960,  
c. 344, s. 51,  
subs. 2,  
cl. d,  
amended

**10.** Clause *d* of subsection 2 of section 51 of *The Real Estate and Business Brokers Act* is amended by inserting after "business" where it occurs the second time in the fourth line "has refused to do so or", so that the clause shall read as follows:

- (d) that the person disposing of the business has made available such books of account of the business as he possesses for inspection by the person acquiring the business, or that the person disposing of the business has refused to do so or has no books of account of the business, as the case may be,

R.S.O. 1960,  
c. 344, s. 54a  
(1962-63,  
c. 123, s. 24)  
re-enacted

**11.** Section 54a of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Interpre-  
tation

- 54a. In sections 54b to 54l, "subdivision" means improved or unimproved land divided or proposed to be divided into five or more lots or other units for the purpose of sale or lease and includes land divided or proposed to be divided into condominium units.

R.S.O. 1960,  
c. 344, s. 54c  
(1962-63,  
c. 123, s. 24),  
subs. 1,  
cls. a, b,  
re-enacted

**12.** Clauses *a* and *b* of subsection 1 of section 54c of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, are repealed and the following substituted therefor:

- (a) a copy of the prospectus referred to in section 54b or such shorter form of the prospectus as the Registrar may have approved for distribution to the public has been delivered to the prospective purchaser or tenant, as the case may be;
- (b) the prospective purchaser or tenant has in writing acknowledged receipt of a copy of the prospectus or the shorter form of the prospectus and that he has been afforded the opportunity to read it; and
- (c) he is a registered broker or the contract is negotiated by a registered broker.

SECTION 9. The provision added requires an offer or listing agreement to bear the true date on which it was executed.

SECTION 10. The requirement that the broker deliver to the purchaser of a business a sworn statement that the vendor has made his books available is qualified to permit a specific statement that he is not making his books available as this may be part of the arrangement between the vendor and purchaser over which the broker has no control.

SECTION 11. The controls over sale of lands outside Ontario are extended to include sale of condominium units.

SECTION 12. The requirement that the prospectus for sale of lands outside Ontario be delivered to the purchaser is modified to permit the Registrar to require a more complex prospectus and approve a more easily understood version for public perusal. Also the sale in Ontario of lands outside Ontario is required to be made through a registered broker.



SECTION 13. The clause is added to the grounds upon which the Registrar may refuse to certify a prospectus for sale of land outside Ontario.

SECTION 14. The scope of inquiries that may be made respecting prospectuses for the sale of lands located outside Ontario is enlarged.

SECTION 15. Advertisements for the sale of lands located outside Ontario are required to be submitted to the Registrar in advance.

SECTION 16. The provisions in the amendment are included in the present Act and contain no change in principle except the authority to intervene to stop false advertising is added in the same way as in other registration Acts administered by the Department, and the provision protecting Departmental officials against civil action is deleted as it is contained in An Act to amend The Department of Financial and Commercial Affairs Act, 1966.

**13.** Section 54e of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is amended by adding thereto the following clause:

R.S.O. 1960,  
c. 344, s. 54e  
(1962-63,  
c. 123, s. 24),  
amended

- (e) the proposed methods of offering do not accord with standard real estate practices in Ontario.

**14.** Subsection 1 of section 54f of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 344, s. 54f  
(1962-63,  
c. 123, s. 24)  
subs. 1,  
re-enacted

- (1) The Registrar may make such inquiries in respect of a prospectus as he deems necessary, including,

Inquiries,  
etc.

- (a) an examination of the subdivision and any of the surrounding circumstances; and
- (b) the obtaining of reports from public authorities or others within or outside Ontario.

**15.** *The Real Estate and Business Brokers Act* is amended by adding thereto the following sections:

R.S.O. 1960,  
c. 344,  
amended

54k. No person shall publish or cause to be published any advertisement for the sale of a lot or unit in a subdivision located outside Ontario until the advertisement has been approved by the Registrar.

Approval of  
advertisements

54l. Sections 54a to 54k do not apply in respect of a sale of a lot or unit in a subdivision in which the vendor has not, within the previous five years, owned directly or indirectly, five or more lots or units.

Application  
of ss. 54a to  
54k

**16.** Section 55, as re-enacted by section 14 of *The Real Estate and Business Brokers Amendment Act, 1964*, and section 57, as amended by section 15 of *The Real Estate and Business Brokers Amendment Act, 1964*, of *The Real Estate and Business Brokers Act* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 344, s. 55  
(1964, c. 99,  
s. 14),  
s. 57,  
re-enacted

55. Where, in the opinion of the Registrar, a broker is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 9 to 21 apply to the order in the same manner as to a decision of the Registrar refusing registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

False  
advertising

- Service** 56.—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.
- Idem** (2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing.
- Exception** (3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal.
- Restraining orders** 57.—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.
- Appeal** (2) An appeal lies to the Court of Appeal from an order made under subsection 1.
- Offences** 57a.—(1) Every person who, knowingly,
- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
  - (b) fails to comply with any order, direction or other requirement made under this Act; or
  - (c) contravenes any provision of this Act or the regulations,
- and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.





SECTION 17. The regulation section is amended and is self-explanatory.

- (2) Where a corporation is convicted of an offence Corporations under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.
- (3) No proceedings under this section shall be instituted Consent of Minister except with the consent of the Minister.
- (4) No proceeding under clause *a* of subsection 1 shall Limitation be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.
- (5) No proceeding under clause *b* or *c* of subsection 1 Idem shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

57*b*. A statement as to, Certificate as evidence

- (*a*) the registration or non-registration of any person;
- (*b*) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (*c*) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (*d*) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

**17.**—(1) Clauses *b* and *c* of section 58 of *The Real Estate and Business Brokers Act* are repealed and the following R.S.O. 1960, c. 344, s. 58, cls. *b*, *c*, re-enacted substituted therefor:

- (*b*) requiring registrants or any class thereof to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;

(c) requiring and governing the books, accounts and records that shall be kept by registered brokers and providing for the disposition of unclaimed money;

(ca) governing applications for registration or renewal of registration and prescribing terms and conditions of registration.

R.S.O. 1960, c. 344, s. 58, cl. g (1962-63, c. 123, s. 26, subs. 2), re-enacted (2) Clause g of the said section 58, as re-enacted by subsection 2 of section 26 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is repealed and the following substituted therefor:

(g) requiring registrants to make returns and furnish information to the Registrar;

(ga) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

R.S.O. 1960, c. 344, s. 58, amended (3) The said section 58 is amended by adding thereto the following clauses:

(ha) prescribing further procedures respecting the conduct of matters coming before the Tribunal;

(hb) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof.

R.S.O. 1960, c. 344, s. 59 (1964, c. 99, s. 16), repealed **18.** Section 59 of *The Real Estate and Business Brokers Act*, as re-enacted by section 16 of *The Real Estate and Business Brokers Amendment Act, 1964*, is repealed.

Unfinished proceedings

**19.**—(1) This Act does not apply in respect of any investigation, proceeding or prosecution commenced before this Act comes into force, except that any certificate required to be given by the Director of the Registration and Examination Branch of the Department and given after this Act comes into force shall be given by the Director of the Consumer Protection Division.

Director's knowledge imputed

(2) For the purpose of any prosecution commenced before or after this Act comes into force, any knowledge of the Director of the Registration and Examination Branch of the Department shall be imputed to the Director of the Consumer Protection Division.

Commencement

**20.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**21.** This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1968-69*.

SECTION 18. The section repealed is re-enacted by section 16 of the Bill.







An Act to amend  
The Real Estate and Business Brokers Act

*1st Reading*

June 6th, 1969

*2nd Reading*

September 30th, 1969

*3rd Reading*

MR. ROWNTREE

(Reprinted as amended by  
the Committee of the Whole House)

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

Government  
Publications

**An Act to amend  
The Real Estate and Business Brokers Act**

MR. ROWNTREE







BILL 176

1968-69

## An Act to amend The Real Estate and Business Brokers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *ba*, as enacted by subsection 1 of section 1 of *The Real Estate and Business Brokers Amendment Act, 1964*, and clause *c* of section 1 of *The Real Estate and Business Brokers Act* are repealed, and the following substituted therefor: R.S.O. 1960,  
c. 344, s. 1,  
cl. *ba*  
(1964, c. 99,  
s. 1, subs. 1),  
repealed;  
cl. *c*,  
re-enacted

- (c) "Department" means the Department of Financial and Commercial Affairs;
- (ca) "Director" means the Director of the Consumer Protection Division of the Department;
- (cb) "Minister" means the Minister of Financial and Commercial Affairs;
- (cc) "officer" means the chairman or vice-chairman of the board of directors, president, vice-president, secretary, treasurer or secretary-treasurer or general manager of a corporation or a partner or general manager of a partnership and includes the manager of the real estate department of a trust company.

(2) The said section 1 is amended by adding thereto the following clause: R.S.O. 1960,  
c. 344, s. 1,  
amended

- (l) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*, c. 41

2. *The Real Estate and Business Brokers Act* is amended by striking out: R.S.O. 1960,  
c. 344,  
amended

- (a) section 3;

- (b) sections 4 and 5, as amended by sections 3 and 4 respectively, of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (c) sections 6, 7, 8 and 9, as re-enacted by section 5 of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (d) section 9a, as enacted by section 5 of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (e) section 10, as amended by section 5 of *The Real Estate and Business Brokers Amendment Act, 1962-63*;
- (f) section 11, as re-enacted by section 6 of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (g) sections 12 and 13, as amended by sections 6 and 7 respectively, of *The Real Estate and Business Brokers Amendment Act, 1962-63*;
- (h) sections 14 and 15;
- (i) section 17, as amended by section 8 of *The Real Estate and Business Brokers Amendment Act, 1962-63*;
- (j) sections 18, 19 and 20;
- (k) section 21, as amended by section 9 of *The Real Estate and Business Brokers Amendment Act, 1962-63*;
- (l) section 22;
- (m) section 23, as amended by section 10 of *The Real Estate and Business Brokers Amendment Act, 1962-63*;
- (n) sections 24 and 25, as amended by sections 8 and 9 respectively, of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (o) section 26, as re-enacted by section 10 of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (p) section 29, as amended by section 11 of *The Real Estate and Business Brokers Amendment Act, 1964*;
- (q) sections 30, 31, 32 and 33, as re-enacted by section 12 of *The Real Estate and Business Brokers Amendment Act, 1964*,

and inserting in lieu thereof the following:

## 3.—(1) No person shall,

Registration

- (a) trade in real estate as a broker unless he is registered as a broker;
- (b) trade in real estate as a salesman unless he is registered as a salesman of a registered broker;
- (c) act on behalf of a corporation or partnership in connection with a trade in real estate unless he and the corporation or partnership are registered as brokers.

(2) Any change in the membership of a partnership shall be deemed to create a new partnership for the purpose of registration. Change in partnership

(3) A change in the officers of a corporation registered as a broker may be made only with the consent of the Registrar. Change in officers of corporation

4.—(1) No broker shall conduct a business of trading in real estate from more than one place at which the public is invited to deal unless he is registered in respect of each such place, one of which shall be designated in the registration as the main office and the remainder as branch offices. Registration of branch offices

(2) Each branch office shall be under the supervision of a registered broker and each branch office having more than one registered salesman shall be under direct management by a registered broker or by a salesman who has been registered for at least two years and who is under the supervision of a registered broker. Management of branch offices

5. Registration shall not be required in respect of any trade in real estate by, Exemptions

- (a) an assignee, custodian, liquidator, receiver, trustee or other person acting under the *Bankruptcy Act* (Canada), *The Corporations Act*, *The Judicature Act*, the *Winding-up Act* (Canada), or to a person acting under the order of any court, or an executor or trustee selling under the terms of a will, marriage settlement or deed of trust; R.S.C. 1952, cc. 14, 296  
R.S.O. 1960, cc. 71, 197
- (b) an auctioneer where the trade is made in the course of and as part of his duties as auctioneer;



1966, c. 142

(c) a person who is registered under *The Securities Act, 1966* where the trade is made in the course of and as part of his business in connection with a trade in securities;

(d) a bank or a loan, trust or insurance company trading in real estate owned or administered by the company;

R.S.O. 1960,  
c. 241

(e) a person in respect of any mine or mining property within the meaning of *The Mining Act* or in respect of the real estate included in a Crown grant or lease, a mining claim or mineral lands under *The Mining Act* or any predecessor thereof;

(f) a full-time salaried employee of a party to a trade where the employee is acting for or on behalf of his employer in respect of land situate in Ontario;

(g) a person who is practising as a solicitor of the Supreme Court where the trade is made in the course of and as a part of the solicitor's practice;

(h) a person, on his own account, in respect of his real estate, where such trade did not result from,

(i) an offer of such person to act, in connection with such trade or any other trade, for or on behalf of the other party or one of the other parties to the trade, or

(ii) a request that such person act, in connection with such trade or any other trade, for or on behalf of the other party or one of the other parties to the trade,

and the interest of such person in the real estate was acquired prior to such offer or request; or

(i) a person in respect of the provision for another, for remuneration other than by commission, of all consultations, undertakings and services necessary to arrange for the routing of a right-of-way including the acquisition of land or interests in land for the purpose, and his employees engaged in the project;

- (j) a person specifically exempted by the regulations in respect of any class of trades in real estate.

6.—(1) An applicant is entitled to registration or <sup>Registration of agencies</sup> renewal of registration except where,

- (a) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;
- (b) the application is for registration as a salesman and the applicant is not employed, appointed or authorized by a broker to trade in real estate on his behalf;
- (c) the applicant is or proposes to be in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions as are consented to by the applicant, imposed <sup>Conditions of registration</sup> by the Tribunal or prescribed by the regulations.

7.—(1) A corporation having share capital shall not be <sup>Registration of broker corporation</sup> registered as a broker,

- (a) unless the persons holding shares carrying at least 51 per cent of the voting rights attached to all shares of the corporation for the time being outstanding are registered brokers, but this clause does not apply to a corporation that is a trust company registered under *The Loan and Trust Corporations Act*;

R.S.O. 1960,  
c. 222

- (b) if any broker holding voting shares of the corporation acts as broker in respect of any other business registered as a broker or holds voting shares in any other corporation registered as a broker, but this clause does not apply to the holding of voting shares of a corporation that is a trust company registered under *The Loan and Trust Corporations Act* where the shares held do not give the holder a substantial interest; or
- (c) if a salesman holds shares of the corporation carrying more than 10 per cent of the voting rights attached to all shares of the corporation for the time being outstanding.

(2) Clause *b* of subsection 1 does not apply to a corporation that is a trust company registered under *The Loan and Trust Corporations Act* in which a broker <sup>Exception</sup>

holds voting shares amounting to a substantial interest where the shares were held and the trust company was registered under this Act immediately before *The Real Estate and Business Brokers Amendment Act, 1968-69* came into force.

1968-69,  
c.

Share-  
holders other  
than brokers  
or salesmen

- (3) A person other than a broker or salesman may hold voting shares of more than one corporation registered as brokers except that where such person holds voting shares in more than one such corporation he shall not hold more than 10 per cent of the voting shares of each such corporation for the time being outstanding.

Salesmen  
as share-  
holders

- (4) A salesman shall not,

- (a) acquire shares of a corporation registered as a broker unless the shares are acquired while he is a salesman for the corporation, but this clause does not apply to the acquisition of shares of a corporation that is a trust company registered under *The Loan and Trust Corporations Act*;
- (b) hold shares in more than one corporation registered as brokers, at the same time, other than shares of a corporation that is a trust company registered under *The Loan and Trust Corporations Act*; or
- (c) become a salesman for another broker until he discloses his interest to such broker.

R.S.O. 1960,  
c. 222

Revocation

- 8.—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 6 or 7 if he were an applicant, or where the registrant is in breach of a condition of the registration.

Voluntary  
cancellation

- (2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Hearing by  
Tribunal

- 9.—(1) Where the Registrar refuses to issue or renew a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the

Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

- (2) Where the Registrar refuses to renew a registration, <sup>Stay of refusal to renew</sup> the applicant shall be deemed to continue to be registered until an order is made by the Tribunal or until the time for requiring a hearing by the Tribunal expires, whichever occurs first.
- (3) The Tribunal shall fix a date for the hearing and shall <sup>Notice of hearing</sup> serve notice of the hearing on the parties at least ten days before the day fixed.
- (4) The notice of hearing shall contain, Idem
  - (a) a statement of the time and place of the hearing;
  - (b) a statement of the statutory power under which the hearing is being held;
  - (c) a reference to the rules of procedure applicable to the hearing;
  - (d) a concise statement of the issues; and
  - (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings.
- 10.—(1) The Registrar, the applicant or registrant and <sup>Parties</sup> any other person specified by the Tribunal are parties to the hearing.
- (2) If a person who has been duly notified of a hearing <sup>Failure to attend</sup> does not attend, the Tribunal may proceed in his absence.
- 11.—(1) A hearing may be adjourned from time to time <sup>Adjournment</sup> by the Tribunal on reasonable grounds,
  - (a) on its own motion; or
  - (b) on the motion of any party to the hearing.
- (2) The Tribunal may, in the prescribed form, command <sup>Subpoenas</sup> the attendance before it of any person as a witness.



## Oaths

(3) The Tribunal may require any person,

(a) to give evidence on oath at a hearing; and

(b) to produce such documents and things as the Tribunal requires.

Objection re  
self-  
incrimination

R.S.O. 1960,  
c. 125

R.S.C. 1952,  
c. 307

(4) An applicant or registrant giving evidence under oath before the Tribunal shall be advised of his right to object to answer any question under section 9 of *The Evidence Act* and section 5 of the *Canada Evidence Act*.

Unsworn  
testimony

(5) The Tribunal may admit evidence not given under oath.

## Offences

(6) Any person who, without lawful excuse,

(a) on being duly summoned as a witness before the Tribunal, makes default in attending; or

(b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or

(c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 7.

Enforce-  
ment

(7) The Tribunal may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right  
of party  
to counsel

12. Any party may be represented before the Tribunal by counsel or agent.

Right of  
witness to  
counsel

13.—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

- (2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. Exclusion of counsel
14. At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. Right of parties at hearing
- 15.—(1) All hearings shall be open to the public except where the Tribunal finds that, Hearings to be open to public; exceptions
- (a) public security may be involved; or
  - (b) intimate financial or personal circumstances of any person may be disclosed,
- in which case the Tribunal shall hold the hearing as to any such matters *in camera*.
- (2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions. Idem
16. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. Release of exhibits
- 17.—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence. Specialized knowledge
- (2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information. Notice
- (3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. Contents and service of notice
18. All oral evidence received by the Tribunal shall be taken down in writing and together with, Record
- (a) the notice of hearing;
  - (b) any rulings or orders made in the course of the proceedings of the Tribunal;
  - (c) any written submissions received by the Tribunal; and

(d) the decision and the reasons therefor,  
form the record.

Decision of  
Tribunal

19.—(1) The Tribunal may, after the hearing,

- (a) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;
- (b) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked.

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

Decision  
to be in  
writing

(2) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Contents of  
reasons for  
decision

(3) The reasons for the final decision shall contain,

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of facts; and
- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of  
decision

(4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal.

Enforce-  
ment of  
decisions

20. A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Appeal to  
Court of  
Appeal

21.—(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

- (2) The Minister may designate counsel to assist the <sup>Counsel</sup> court upon the hearing of an appeal under this section.
- (3) An appeal under this section may be made on ques- <sup>Decision</sup> tions of law or fact or both and the court may con- <sup>of court</sup> firm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.
- (4) The decision of the Court of Appeal is final. <sup>Idem</sup>
22. An order of the Tribunal refusing to renew or <sup>Stay</sup> suspending or revoking a registration shall take effect immediately but the Tribunal may grant a stay until the order becomes final.
23. A further application for registration may be made <sup>Further</sup> upon new or other evidence or where it is clear that <sup>applications</sup> material circumstances have changed.
- 24.—(1) Where the Registrar receives a complaint in <sup>Investiga-</sup> respect of a broker and so requests in writing, the <sup>tion of</sup> broker shall furnish the Registrar with such informa- <sup>complaints</sup> tion respecting the matter complained of as the Registrar requires.
- (2) The request under subsection 1 shall indicate the <sup>Idem</sup> nature of the inquiry involved.
- (3) For the purposes of subsection 1, the Registrar or <sup>Idem</sup> any person designated in writing by him may at any reasonable time enter upon the business premises of the registrant to make an inspection in relation to the complaint.
- 25.—(1) The Registrar or any person designated by him <sup>Inspection</sup> in writing, may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts and the regulation of trades are being complied with.
- (2) Where the Registrar has reasonable and probable <sup>Idem</sup> grounds to believe that any person is acting as a broker or salesman while unregistered, the Registrar



or any person designated by him in writing, may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3 or 4.

Powers on  
inspection

26.—(1) Upon an inspection under section 24 or 25, the person inspecting,

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissi-  
bility of  
copies

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original.

Investiga-  
tions

27.—(1) Where, upon a statement made under oath, it appears probable to the Director that any person has,

- (a) contravened any of the provisions of this Act or the regulations; or
- (b) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

1953-54,  
c. 51 (Can.)

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulations or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

- (2) Notwithstanding subsection 1, the Minister may by order appoint one or more persons to make an investigation into any matter to which this Act applies and the person appointed shall report the result of his investigation to the Minister. <sup>Investigation by order of Minister</sup>
- (3) For the purpose of any investigation ordered under this section, any person appointed to make the investigation may at any reasonable time enter upon the business premises and may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or in connection with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the investigation. <sup>Scope of investigation</sup>
- (4) Any person making an investigation under this section may, upon giving a receipt therefor, remove any document or record relating to the person whose affairs are being investigated and that relate to the subject-matter of the investigation, for the purpose of making a copy of such document or record, provided that such copying is carried out with reasonable dispatch and the document or record in question is promptly thereafter returned to the person whose affairs are being investigated. <sup>Removal of records</sup>
- (5) Any copy made as provided in subsection 4 and purporting to be certified by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original document or record. <sup>Admissibility of copies</sup>
- (6) The Minister or Director may appoint any expert to examine documents, records, properties and matters of any person whose affairs are being investigated under this Act. <sup>Appointment of experts</sup>
- (7) The investigator may, in the prescribed form, command the attendance before him of any person as a witness and subsections 2 to 6 of section 11 and section 13 apply to the investigator and the witness in the same manner as to the Tribunal and witnesses before it. <sup>Evidence by witness</sup>

Confiden-  
tiality

- (8) No person, without the consent of the Minister, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under this section or the name of any witness examined or sought to be examined in such investigation.

Report

28. Where, upon the report of an investigation made under subsection 1 of section 27, it appears to the Director that a person may have,

(a) contravened any of the provisions of this Act or the regulations; or

1953-54,  
c. 51 (Can.)

(b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister.

Order to  
refrain from  
dealing with  
assets

- 29.—(1) The Director may,

(a) after an investigation of any person has been ordered under section 27; or

(b) where criminal proceedings or proceedings in respect of a contravention of any Act or regulation are about to be or have been instituted against a person that in the opinion of the Director are connected with or arise out of the business in respect of which such person is registered or required to be registered,

in writing or by telegram, direct any person having on deposit or under control or for safe-keeping any assets or trust funds of the person referred to in clause *a* or *b*, to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any other person having any of them on deposit, under control or for safe-keeping or to hold such assets or trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act* or the *Winding-up Act* (Canada), or until the

R.S.C. 1952,  
cc. 14, 296  
R.S.O. 1960,  
cc. 197, 71

Director revokes such direction or consents to release any particular asset or trust fund from the direction, but, in the case of a bank, loan or trust company, the direction only applies to the offices, branches or agencies thereof named in the direction.

- (2) Subsection 1 does not apply where the person <sup>Bond in lieu</sup> referred to in clause *a* or *b* of subsection 1 files with the Director,
- (a) a personal bond accompanied by collateral security;
  - (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or <sup>R.S.O. 1960, c. 168</sup>
  - (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,
- in such form, terms and amount as the Director determines.
- (3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of <sup>Application for direction</sup> the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just.
- (4) In any of the circumstances mentioned in clause *a* <sup>Notice to registrar of deeds, etc.</sup> or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice.

**3.** Subsection 1 of section 35 of *The Real Estate and Business Brokers Act* is amended by striking out "sales" in the first line and inserting in lieu thereof "trade", so that the subsection, exclusive of the clauses, shall read as follows: <sup>R.S.O. 1960, c. 344, s. 35, subs. 1, amended</sup>

- (1) Every broker shall keep a trade record sheet in the <sup>Books, etc., to be kept</sup> prescribed form and proper books and accounts with respect to his trades and shall enter therein in the case of each trade,
- . . . . .



R.S.O. 1960,  
c. 344, s. 36,  
amended

4. Section 36 of *The Real Estate and Business Brokers Act* is amended by adding thereto the following subsection:

Unclaimed  
trust  
moneys

- (2) Where a broker holds moneys in trust for a period of one year after the person for whom it is held first became entitled to payment of the moneys and such person cannot be located, the broker shall pay the moneys to the Treasurer of Ontario who shall pay the moneys to the person appearing to the Treasurer to be entitled thereto.

R.S.O. 1960,  
c. 344, s. 37,  
re-enacted;  
s. 38,  
repealed

5. Section 37 and section 38, as amended by section 22 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, of *The Real Estate and Business Brokers Act* are repealed and the following substituted therefor:

Notice of  
changes

37.—(1) Every broker shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in his address for service;
- (b) any change in the officers in the case of a corporation or partnership;
- (c) any commencement or termination of employment, appointment or authorization of a salesman.

Idem

(2) Every salesman shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in his address for service;
- (b) any commencement or termination of his employment, appointment or authorization by a broker.

Idem

(3) The Registrar shall be deemed to be notified under subsections 1 and 2 on the day on which he is actually notified or, where the notification is by mail, on the day of mailing.

Financial  
statements

(4) Every broker carrying on the business of trading in real estate shall, when required by the Registrar with the approval of the Director, file a financial statement showing the matters specified by the Registrar and signed by the proprietor or officer of the broker's business and certified by a person licensed under *The Public Accountancy Act*.

R.S.O. 1960,  
c. 317

Statement  
confidential

(5) The information contained in a financial statement filed under subsection 4 is confidential and no person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of the financial statement.

6. Section 45 of *The Real Estate and Business Brokers Act* is repealed. R.S.O. 1960, c. 344, s. 45, repealed

7. Section 47 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 344, s. 47, re-enacted

47. No broker shall,

- (a) employ or engage the salesman of another broker to trade in real estate or permit such salesman to act on his behalf; Employment of unregistered person or salesman of other broker
- (b) employ or engage an unregistered person to trade in real estate or permit such person to act on his behalf; or
- (c) pay any commission or other remuneration to any person referred to in clause a or b,

but this section does not prevent the employing, engaging or paying of a person who is duly registered or licensed as a broker or its equivalent in another jurisdiction in respect of a trade in that jurisdiction.

8. Section 49 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 344, s. 49, re-enacted

- 49.—(1) No broker or salesman shall purchase, lease, exchange or otherwise acquire for himself or make an offer to purchase, lease, exchange or otherwise acquire for himself, either directly or indirectly, any interest in real estate for the purpose of resale unless he first delivers to the vendor a written statement that he is a broker or salesman, as the case may be, and the vendor has acknowledged in writing that he has received the statement. Statement where broker or salesman purchases for resale
- (2) Where real estate in respect of which a broker or salesman is required to give a statement under subsection 1 is listed with the broker or, in the case of a salesman, is listed with the broker by whom the salesman is employed, appointed or authorized to trade in real estate, the statement shall include, Idem, where property listed with purchaser
- (a) full disclosure of all facts within his special knowledge that affect or will affect the resale value of the real estate; and
  - (b) the particulars of any negotiation or agreement by or on behalf of the broker or salesman for the sale, exchange, lease or other disposition of any interest in the real estate to any other person.

R.S.O. 1960, c. 344, s. 50, amended **9.** Section 50 of *The Real Estate and Business Brokers Act* is amended by adding thereto the following subsection:

Date of  
signing  
listing  
or offer

- (3) Every person signing a listing agreement or an agreement for sale or rental of real estate shall state with his signature the date upon which the signature was actually affixed.

R.S.O. 1960, c. 344, s. 51, subs. 2, cl. d, amended

**10.** Clause *d* of subsection 2 of section 51 of *The Real Estate and Business Brokers Act* is amended by inserting after “business” where it occurs the second time in the fourth line “has refused to do so or”, so that the clause shall read as follows:

- (d) that the person disposing of the business has made available such books of account of the business as he possesses for inspection by the person acquiring the business, or that the person disposing of the business has refused to do so or has no books of account of the business, as the case may be,

R.S.O. 1960, c. 344, s. 54a (1962-63, c. 123, s. 24) re-enacted

**11.** Section 54a of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Interpre-  
tation

- 54a. In sections 54b to 54l, “subdivision” means improved or unimproved land divided or proposed to be divided into five or more lots or other units for the purpose of sale or lease and includes land divided or proposed to be divided into condominium units.

R.S.O. 1960, c. 344, s. 54c (1962-63, c. 123, s. 24), subs. 1, cls. a, b, re-enacted

**12.** Clauses *a* and *b* of subsection 1 of section 54c of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, are repealed and the following substituted therefor:

- (a) a copy of the prospectus referred to in section 54b or such shorter form of the prospectus as the Registrar may have approved for distribution to the public has been delivered to the prospective purchaser or tenant, as the case may be;
- (b) the prospective purchaser or tenant has in writing acknowledged receipt of a copy of the prospectus or the shorter form of the prospectus and that he has been afforded the opportunity to read it; and
- (c) he is a registered broker or the contract is negotiated by a registered broker.

**13.** Section 54e of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is amended by adding thereto the following clause:

- (e) the proposed methods of offering do not accord with standard real estate practices in Ontario.

**14.** Subsection 1 of section 54f of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is repealed and the following substituted therefor:

- (1) The Registrar may make such inquiries in respect of a prospectus as he deems necessary, including,

(a) an examination of the subdivision and any of the surrounding circumstances; and

(b) the obtaining of reports from public authorities or others within or outside Ontario.

**15.** *The Real Estate and Business Brokers Act* is amended by adding thereto the following sections:

**54k.** No person shall publish or cause to be published any advertisement for the sale of a lot or unit in a subdivision located outside Ontario until the advertisement has been approved by the Registrar.

**54l.** Sections 54a to 54k do not apply in respect of a sale of a lot or unit in a subdivision in which the vendor has not, within the previous five years, owned directly or indirectly, five or more lots or units.

**16.** Section 55, as re-enacted by section 14 of *The Real Estate and Business Brokers Amendment Act, 1964*, and section 57, as amended by section 15 of *The Real Estate and Business Brokers Amendment Act, 1964*, of *The Real Estate and Business Brokers Act* are repealed and the following substituted therefor:

- 55.** Where, in the opinion of the Registrar, a broker is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 9 to 21 apply to the order in the same manner as to a decision of the Registrar refusing registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.



- Service** 56.—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.
- Idem** (2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing.
- Exception** (3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal.
- Restraining orders** 57.—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.
- Appeal** (2) An appeal lies to the Court of Appeal from an order made under subsection 1.
- Offences** 57a.—(1) Every person who, knowingly,
- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
  - (b) fails to comply with any order, direction or other requirement made under this Act; or
  - (c) contravenes any provision of this Act or the regulations,
- and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

- (2) Where a corporation is convicted of an offence <sup>Corporations</sup> under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.
- (3) No proceedings under this section shall be instituted <sup>Consent of Minister</sup> except with the consent of the Minister.
- (4) No proceeding under clause *a* of subsection 1 shall <sup>Limitation</sup> be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.
- (5) No proceeding under clause *b* or *c* of subsection 1 <sup>Idem</sup> shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

57*b*. A statement as to, <sup>Certificate as evidence</sup>

- (*a*) the registration or non-registration of any person;
- (*b*) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (*c*) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (*d*) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

**17.**—(1) Clauses *b* and *c* of section 58 of *The Real Estate and Business Brokers Act* are repealed and the following <sup>R.S.O. 1960, c. 344, s. 58, cls. *b*, *c*, re-enacted</sup> substituted therefor:

- (*b*) requiring registrants or any class thereof to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;

- (c) requiring and governing the books, accounts and records that shall be kept by registered brokers and providing for the disposition of unclaimed money;
- (ca) governing applications for registration or renewal of registration and prescribing terms and conditions of registration.

R.S.O. 1960, c. 344, s. 58, cl. 8 (1962-63, c. 123, s. 26, subs. 2), re-enacted (2) Clause g of the said section 58, as re-enacted by sub-section 2 of section 26 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is repealed and the following substituted therefor:

- (g) requiring registrants to make returns and furnish information to the Registrar;
- (ga) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

R.S.O. 1960, c. 344, s. 58, amended (3) The said section 58 is amended by adding thereto the following clauses:

- (ha) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (hb) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof.

R.S.O. 1960, c. 344, s. 59 (1964, c. 99, s. 16), repealed **18.** Section 59 of *The Real Estate and Business Brokers Act*, as re-enacted by section 16 of *The Real Estate and Business Brokers Amendment Act, 1964*, is repealed.

Unfinished proceedings **19.**—(1) This Act does not apply in respect of any investigation, proceeding or prosecution commenced before this Act comes into force, except that any certificate required to be given by the Director of the Registration and Examination Branch of the Department and given after this Act comes into force shall be given by the Director of the Consumer Protection Division.

Director's knowledge imputed (2) For the purpose of any prosecution commenced before or after this Act comes into force, any knowledge of the Director of the Registration and Examination Branch of the Department shall be imputed to the Director of the Consumer Protection Division.

Commence-ment **20.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title **21.** This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1968-69*.









An Act to amend  
The Real Estate and Business Brokers Act

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*1st Reading*

June 6th, 1969

*2nd Reading*

September 30th, 1969

*3rd Reading*

October 31st, 1969

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MR. ROWNTREE

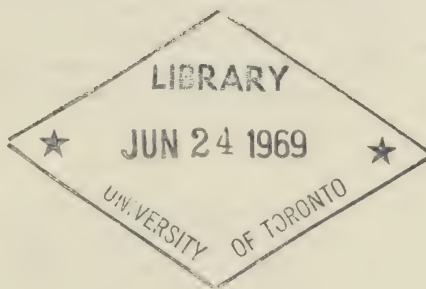
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**BILL 177**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Tile Drainage Act**

MR. MACNAUGHTON





#### EXPLANATORY NOTES

SECTION 1. "Drainage work" is defined to make *The Tile Drainage Act* applicable to materials which have come into use in drainage work since the Act was enacted in 1909. Section 1 of *The Tile Drainage Act* is replaced by section 1a which makes the Act applicable to cities in addition to other local municipalities.

## An Act to amend The Tile Drainage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Tile Drainage Act*, as amended by R.S.O. 1960, c. 399, s. 1, section 1 of *The Tile Drainage Amendment Act, 1966*, is re-enacted repealed and the following substituted therefor:

1. In this Act,

Interpre-  
tation

(a) "drainage work" means a drain to be constructed of stone or timber, or of tile, pipe or tubing of any material;

(b) "municipality" means a city, town, village or township.

1a.—(1) Subject to sections 64 and 65 of *The Ontario Municipal Board Act*, the council of a municipality may pass by-laws (Form 1) authorizing the borrowing of money for the purposes of the construction of drainage works and the issuance of debentures by the municipality or by a regional municipality on its behalf. Borrowing powers of municipalities  
R.S.O. 1960, c. 274

(2) Subject to subsections 3 and 4, a municipality or a regional municipality on its behalf may borrow in sums of not less than \$2,000 and the total indebtedness of a municipality under this Act shall not exceed \$300,000 at any one time, but if the assessment of the whole rateable property in the municipality according to the last revised assessment roll is not less than \$3,000,000, its total indebtedness under this Act shall not exceed \$500,000 at any one time. Idem

(3) Where a municipality is amalgamated with or annexed to another municipality, the total indebted- Maximum indebtedness where amalgamation or annexation

edness under this Act of the new municipality or the annexing municipality shall not exceed at any one time the sum of the amounts of indebtedness that the amalgamated municipalities or the annexing and annexed municipalities, as the case may be, could have outstanding under this Act in the year in which the amalgamation or annexation is effective if such amalgamation or annexation had not taken place.

Maximum  
indebted-  
ness where  
annexation  
of part of  
municipality

- (4) Where a municipality annexes part of another municipality, the total indebtedness under this Act of the annexing municipality shall not exceed at any one time the sum of,

(a) the amount of indebtedness that the annexing municipality could have outstanding under this Act in the year in which the annexation is effective; and

(b) that proportion of the amount of indebtedness that the municipality from which the part was annexed could have outstanding under this Act in the year in which the annexation is effective that is equal to the proportion that the assessment of the rateable property annexed is of the rateable property of the whole of the municipality including that part that was annexed therefrom according to the last revised assessment roll,

if such annexation had not taken place.

Terms of  
debentures

- (5) The debentures (Form 2) shall be payable within ten years from the date of the debentures, shall bear the date in the year in which the money is borrowed from the municipality and shall bear interest at a rate of not less than 3 per cent per annum.

Notice of  
meeting

- (6) It is not necessary to obtain the assent of the electors in the municipality to the passing of a by-law under this Act, but no by-law shall be passed except at a meeting of the municipal council specially called for the purpose of considering it and of which notice has been published in accordance with subsection 7.





SECTION 2. This section introduces into section 3 of the Act the term "drainage work" with the wider meaning given to it above, and further amends section 3 of the Act so that it will apply to regional municipalities which issue debentures on behalf of area municipalities.

SECTIONS 3 and 4. The amendments are complementary to section 1 by referring to drainage work as defined.

SECTIONS 5 and 6. The amendments are necessary to refer to regional municipalities which issue debentures on behalf of area municipalities.

- (7) A notice (Form 3) of every such meeting shall be published at least once each week for three successive weeks in such newspaper as the council may by resolution direct, and the first publication of the notice shall be not less than four weeks before the holding of the meeting. <sup>Idem</sup>

**2.** Section 3 of *The Tile Drainage Act* is repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 399, s. 3, re-enacted</sup>

3. The debentures may be issued and sold from time to time for the purpose only of lending the proceeds thereof for the construction of drainage works, as provided in this Act, as money is required for the purpose. <sup>Application of proceeds</sup>

**3.** Subsection 1 of section 7 of *The Tile Drainage Act* is amended by striking out "tile, stone or timber drainage" in the third line and inserting in lieu thereof "the construction of a drainage work", so that the subsection shall read as follows: <sup>R.S.O. 1960, c. 399, s. 7, subs. 1, amended</sup>

- (1) A person assessed as owner, and being the actual owner of land in the municipality, desiring to borrow money for the purpose of the construction of a drainage work may make application (Form 7) to the council. <sup>Application by owner for loan</sup>

**4.** Subsection 1 of section 13 of *The Tile Drainage Act*, as amended by section 2 of *The Tile Drainage Amendment Act, 1966*, is further amended by striking out "tile, stone or timber drainage" in the second line and inserting in lieu thereof "the construction of drainage works", so that the subsection shall read as follows: <sup>R.S.O. 1960, c. 399, s. 13, subs. 1, amended</sup>

- (1) The council shall lend the money so borrowed only for the purpose of the construction of drainage works and for a term of ten years, in sums of \$100 or multiples thereof, subject to section 14, as the council may deem proper, to persons entitled to borrow. <sup>Application of proceeds of loans</sup>

**5.** Section 20 of *The Tile Drainage Act* is amended by inserting after "municipality" in the fifth line, in the sixth line and in the twelfth line "or regional municipality", so that the section shall read as follows: <sup>R.S.O. 1960, c. 399, s. 20, amended</sup>

20. The owner of land in respect of which money has been borrowed may at any time obtain the discharge of the indebtedness by paying to the treasurer <sup>Discharge of indebtedness by owner</sup>

of the municipality the amount borrowed, with interest thereon at the rate payable by the municipality or regional municipality to the Treasurer of Ontario or his assignee on the debentures of the municipality or regional municipality that the Treasurer or his assignee holds in respect of the said indebtedness, less any sum already paid on account of principal and interest, and upon the same being paid to the treasurer, he shall forthwith transmit it to the Treasurer of Ontario or his assignee who shall apply it towards payment of the debentures of the municipality or regional municipality.

R.S.O. 1960,  
c. 399, s. 22,  
subs. 1,  
amended

**6.** Subsection 1 of section 22 of *The Tile Drainage Act* is amended by inserting after "municipality" in the second and third lines "or regional municipality", so that the subsection shall read as follows:

Repayment  
by municip-  
ality to  
Province

- (1) The amount payable in each year for principal and interest shall be remitted by the treasurer of the municipality or regional municipality to the Treasurer of Ontario or his assignee within one month after it became payable, together with interest at the rate of 7 per cent per annum during the time of any default in payment.

R.S.O. 1960,  
c. 399,  
Form 1,  
amended

**7.** Form 1 of *The Tile Drainage Act* is amended by striking out "tile, stone or timber drain" in the third line of item 2 and inserting in lieu thereof "drainage work".

R.S.O. 1960,  
c. 399,  
Form 2,  
amended

**8.** Form 2 of *The Tile Drainage Act* is amended by striking out "tile, (stone or timber) drains" in the eleventh line and inserting in lieu thereof "drainage works".

R.S.O. 1960,  
c. 399,  
Form 6,  
amended

**9.** Form 6 of *The Tile Drainage Act* is amended by striking out "tile, stone or timber drains" in the fourth line of item 1 and inserting in lieu thereof "drainage works".

R.S.O. 1960,  
c. 399,  
Form 7,  
amended

**10.** Form 7 of *The Tile Drainage Act* is amended by inserting after "tile" in the seventh line and in the ninth line "pipe or tubing".

Commence-  
ment

**11.** This Act comes into force on the day it receives Royal Assent.

Short title

**12.** This Act may be cited as *The Tile Drainage Amendment Act, 1968-69*.

SECTIONS 7 to 10. See note to sections 3 and 4.







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An Act to amend The Tile Drainage Act

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*1st Reading*

June 9th, 1969

*2nd Reading*

*3rd Reading*

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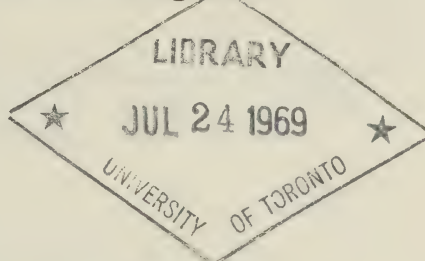
MR. MACNAUGHTON

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## BILL 177

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

## An Act to amend The Tile Drainage Act



Mr. MACNAUGHTON

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER





## An Act to amend The Tile Drainage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Tile Drainage Act*, as amended by section 1 of *The Tile Drainage Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 399, s. 1,  
re-enacted

1. In this Act,

Interpre-  
tation

(a) "drainage work" means a drain to be constructed of stone or timber, or of tile, pipe or tubing of any material;

(b) "municipality" means a city, town, village or township.

1a.—(1) Subject to sections 64 and 65 of *The Ontario Municipal Board Act*, the council of a municipality may pass by-laws (Form 1) authorizing the borrowing of money for the purposes of the construction of drainage works and the issuance of debentures by the municipality or by a regional municipality on its behalf. Borrowing  
powers of  
municipalities  
R.S.O. 1960,  
c. 274

(2) Subject to subsections 3 and 4, a municipality or a regional municipality on its behalf may borrow in sums of not less than \$2,000 and the total indebtedness of a municipality under this Act shall not exceed \$300,000 at any one time, but if the assessment of the whole rateable property in the municipality according to the last revised assessment roll is not less than \$3,000,000, its total indebtedness under this Act shall not exceed \$500,000 at any one time. Idem

(3) Where a municipality is amalgamated with or annexed to another municipality, the total indebtedness where amalgamation or annexation Maximum  
indebted-  
ness where  
amalgama-  
tion or  
annexation

edness under this Act of the new municipality or the annexing municipality shall not exceed at any one time the sum of the amounts of indebtedness that the amalgamated municipalities or the annexing and annexed municipalities, as the case may be, could have outstanding under this Act in the year in which the amalgamation or annexation is effective if such amalgamation or annexation had not taken place.

Maximum  
indebted-  
ness where  
annexation  
of part of  
municipality

- (4) Where a municipality annexes part of another municipality, the total indebtedness under this Act of the annexing municipality shall not exceed at any one time the sum of,

(a) the amount of indebtedness that the annexing municipality could have outstanding under this Act in the year in which the annexation is effective; and

(b) that proportion of the amount of indebtedness that the municipality from which the part was annexed could have outstanding under this Act in the year in which the annexation is effective that is equal to the proportion that the assessment of the rateable property annexed is of the rateable property of the whole of the municipality including that part that was annexed therefrom according to the last revised assessment roll,

if such annexation had not taken place.

Terms of  
debentures

- (5) The debentures (Form 2) shall be payable within ten years from the date of the debentures, shall bear the date in the year in which the money is borrowed from the municipality and shall bear interest at a rate of not less than 3 per cent per annum.

Notice of  
meeting

- (6) It is not necessary to obtain the assent of the electors in the municipality to the passing of a by-law under this Act, but no by-law shall be passed except at a meeting of the municipal council specially called for the purpose of considering it and of which notice has been published in accordance with subsection 7.

- (7) A notice (Form 3) of every such meeting shall be published at least once each week for three successive weeks in such newspaper as the council may by resolution direct, and the first publication of the notice shall be not less than four weeks before the holding of the meeting. <sup>Idem</sup>

**2.** Section 3 of *The Tile Drainage Act* is repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 399, s. 3, re-enacted</sup>

3. The debentures may be issued and sold from time to time for the purpose only of lending the proceeds thereof for the construction of drainage works, as provided in this Act, as money is required for the purpose. <sup>Application of proceeds</sup>

**3.** Subsection 1 of section 7 of *The Tile Drainage Act* is amended by striking out "tile, stone or timber drainage" in the third line and inserting in lieu thereof "the construction of a drainage work", so that the subsection shall read as follows: <sup>R.S.O. 1960, c. 399, s. 7, subs. 1, amended</sup>

- (1) A person assessed as owner, and being the actual owner of land in the municipality, desiring to borrow money for the purpose of the construction of a drainage work may make application (Form 7) to the council. <sup>Application by owner for loan</sup>

**4.** Subsection 1 of section 13 of *The Tile Drainage Act*, as amended by section 2 of *The Tile Drainage Amendment Act, 1966*, is further amended by striking out "tile, stone or timber drainage" in the second line and inserting in lieu thereof "the construction of drainage works", so that the subsection shall read as follows: <sup>R.S.O. 1960, c. 399, s. 13, subs. 1, amended</sup>

- (1) The council shall lend the money so borrowed only for the purpose of the construction of drainage works and for a term of ten years, in sums of \$100 or multiples thereof, subject to section 14, as the council may deem proper, to persons entitled to borrow. <sup>Application of proceeds of loans</sup>

**5.** Section 20 of *The Tile Drainage Act* is amended by inserting after "municipality" in the fifth line, in the sixth line and in the twelfth line "or regional municipality", so that the section shall read as follows: <sup>R.S.O. 1960, c. 399, s. 20, amended</sup>

20. The owner of land in respect of which money has been borrowed may at any time obtain the discharge of the indebtedness by paying to the treasurer <sup>Discharge of indebtedness by owner</sup>



of the municipality the amount borrowed, with interest thereon at the rate payable by the municipality or regional municipality to the Treasurer of Ontario or his assignee on the debentures of the municipality or regional municipality that the Treasurer or his assignee holds in respect of the said indebtedness, less any sum already paid on account of principal and interest, and upon the same being paid to the treasurer, he shall forthwith transmit it to the Treasurer of Ontario or his assignee who shall apply it towards payment of the debentures of the municipality or regional municipality.

R.S.O. 1960,  
c. 399, s. 22,  
subs. 1,  
amended

**6.** Subsection 1 of section 22 of *The Tile Drainage Act* is amended by inserting after "municipality" in the second and third lines "or regional municipality", so that the subsection shall read as follows:

Repayment  
by municip-  
ality to  
Province

(1) The amount payable in each year for principal and interest shall be remitted by the treasurer of the municipality or regional municipality to the Treasurer of Ontario or his assignee within one month after it became payable, together with interest at the rate of 7 per cent per annum during the time of any default in payment.

R.S.O. 1960,  
c. 399,  
Form 1,  
amended

**7.** Form 1 of *The Tile Drainage Act* is amended by striking out "tile, stone or timber drain" in the third line of item 2 and inserting in lieu thereof "drainage work".

R.S.O. 1960,  
c. 399,  
Form 2,  
amended

**8.** Form 2 of *The Tile Drainage Act* is amended by striking out "tile, (stone or timber) drains" in the eleventh line and inserting in lieu thereof "drainage works".

R.S.O. 1960,  
c. 399,  
Form 6,  
amended

**9.** Form 6 of *The Tile Drainage Act* is amended by striking out "tile, stone or timber drains" in the fourth line of item 1 and inserting in lieu thereof "drainage works".

R.S.O. 1960,  
c. 399,  
Form 7,  
amended

**10.** Form 7 of *The Tile Drainage Act* is amended by inserting after "tile" in the seventh line and in the ninth line "pipe or tubing".

Commence-  
ment

**11.** This Act comes into force on the day it receives Royal Assent.

Short title

**12.** This Act may be cited as *The Tile Drainage Amendment Act, 1968-69*.



An Act to amend The Tile Drainage Act

*1st Reading*

June 9th, 1969

*2nd Reading*

June 19th, 1969

*3rd Reading*

June 27th, 1969

MR. MACNAUGHTON

CA20N  
KB  
B 56

Government  
Publications

## BILL 178

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

### An Act to amend The Police Act

MR. WISHART





An Act to amend The Tile Drainage Act

*1st Reading*

June 9th, 1969

*2nd Reading*

June 19th, 1969

*3rd Reading*

June 27th, 1969

MR. MACNAUGHTON

CA20N  
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-B56

Government  
Publications

## BILL 178

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

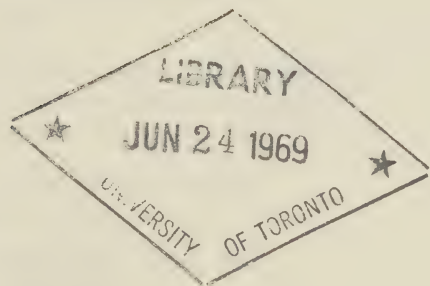
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### An Act to amend The Police Act

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Mr. WISHART

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#### EXPLANATORY NOTES

SECTION 1. Complementary to section 2 of the Bill.

SECTION 2. The amendment permits the senior officers of a police force to form their own association and bargain separately.

## BILL 178

1968-69

## An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 22 of *The Police Act*, as enacted by section 3 of *The Police Amendment Act, 1968*, is amended by inserting after "member" in the second line "or senior officer", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 298, s. 22,  
subs. 2  
(1968, c. 97,  
s. 3),  
amended

- (2) Where a question arises as to whether or not any person is a member or senior officer of a police force for the purposes of any provision of this Act, the Commission shall, upon the application of any person affected and after a hearing, determine the question, and the decision of the Commission is final.

Determina-  
tion by  
Commission

2. *The Police Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 298,  
amended

27a.—(1) In this section, "senior officer" means a member of a police force of the rank of inspector or higher or a civilian employee employed in a supervisory or confidential capacity, but does not include a chief of police or deputy chief of police.

Senior  
officer  
defined

- (2) Where not fewer than 50 per cent of the senior officers of a police force are members of an association composed only of senior officers, section 27 applies and,

Separate  
bargaining  
by senior  
officers

(a) where the police force has ten or more senior officers, section 28 applies; and

(b) where the police force has fewer than ten senior officers, section 29 applies,

to the senior officers of the police force and to the association in the same manner as to the members of the police force and their association.



Idem

- (3) Where subsection 2 applies, the senior officers of the police force shall not be included as members of the police force for the purposes of sections 27, 28 and 29.

R.S.O. 1960,  
c. 298, s. 28,  
subs. 3,  
re-enacted

**3.** Subsection 3 of section 28 of *The Police Act*, as amended by subsection 1 of section 5 of *The Police Amendment Act, 1968*, is repealed and the following substituted therefor:

Failure  
to appoint  
chairman

- (3) Where the two members of the board of arbitration appointed under subsections 1 and 2 fail, within five days of the appointment of the one last appointed, to appoint a third member, the Lieutenant Governor in Council may, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint the third member.

R.S.O. 1960,  
c. 298, s. 29,  
subs. 2,  
amended

**4.** Subsection 2 of section 29 of *The Police Act* is amended by striking out "Attorney General" in the third line and inserting in lieu thereof "Lieutenant Governor in Council", so that the subsection shall read as follows:

Failure  
to appoint  
arbitrator

- (2) Where the parties fail to appoint an arbitrator within thirty days after receipt of the notice mentioned in subsection 1, the Lieutenant Governor in Council may, upon the written request of either of the parties, appoint the arbitrator.

R.S.O. 1960,  
c. 298, s. 32  
(1968, c. 97,  
s. 7),  
subs. 1,  
re-enacted

**5.—(1)** Subsection 1 of section 32 of *The Police Act*, as re-enacted by section 7 of *The Police Amendment Act, 1968*, is repealed and the following substituted therefor:

Determina-  
tion of  
disputes

- (1) Where a difference arises between the parties,
- (a) relating to the interpretation, application or administration of an agreement made under section 27, or of a decision or award of an arbitrator or board of arbitration made under section 28 or 29; or
  - (b) as to whether a matter is a proper subject for bargaining or arbitration,

or where an allegation is made that the agreement or award has been violated, either of the parties may, notwithstanding any grievance or arbitration procedure established by the agreement, notify the other party and the Commission, in writing, of its desire to submit the difference or allegation to the Commission, and the Commission shall set a date for a

SECTION 3. The amendment removes doubt that the third member can be appointed under this provision where one of the members of the board of arbitration was appointed by the Attorney General under the preceding provision. The appointment of the third member is to be made in the absence of agreement by the Lieutenant Governor in Council instead of the Attorney General to permit the appointment of a county court judge under section 38 of the *Judges Act* (Canada).

SECTION 4. The amendment provides for the appointment of a single arbitrator to be made, in the absence of agreement, by the Lieutenant Governor in Council instead of the Attorney General to permit the appointment of a county court judge under section 38 of the *Judges Act* (Canada).

SECTION 5—Subsection 1. The amendment permits reference to the Commission to determine differences in the interpretation of a collective agreement even though the procedure provided in the agreement is stated to be final and extends the maximum time for the hearing from thirty to forty-five days.

Subsection 2. The amendment provides that in all cases where the Commission's decision is filed in court for enforcement, the Commission does the actual filing.

SECTION 6. The amendment makes the references to section 32 of the Act agree with the amendment to that section in 1968.

SECTION 7. The amendment authorizes the Ontario Police Commission to exercise control over the use of weapons and equipment by police forces.

hearing within forty-five days after receipt of the notice and shall hear and determine the difference or allegation, and the decision of the Commission is final and binding upon the parties.

(2) Subsection 2 of the said section 32 is amended by striking out "Either of the parties or the Commission may" in the first line and inserting in lieu thereof "The Commission may and, at the request of either of the parties, shall", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 298, s. 32  
(1968, c. 97,  
s. 7),  
subs. 2,  
amended

(2) The Commission may, and, at the request of either of the parties, shall, after the expiration of thirty days from the date of the delivery of the decision, or of the date provided in the decision for compliance, whichever is the later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, in the form prescribed by the regulations, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Enforce-  
ment

6. Subsection 1 of section 33 of *The Police Act*, as amended by section 9 of *The Police Amendment Act, 1966* and section 8 of *The Police Amendment Act, 1968*, is further amended by inserting after "or" in the fourth line "of the Commission under section", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 298, s. 33,  
(1962-63,  
subs. 1,  
amended

(1) Every agreement made under section 27 and every decision or award of a majority of the members of a board of arbitration under section 28 or of an arbitrator under section 29 or of the Commission under section 32 is binding upon the council of the municipality, the board, where there is a board, and the members of the police force, other than the chief of police and any deputy chief of police.

Effect of  
agreement  
or award

7. Section 39b of *The Police Act*, as enacted by section 4 of *The Police Amendment Act, 1962-63*, is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 298, s. 39b  
(1962-63,  
c. 106, s. 4),  
amended

(2) The Commission may, by order, regulate or prohibit the use of any equipment by a police force in Ontario or its members.

Equipment

8. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

9. This Act may be cited as *The Police Amendment Act*, 1968-69.

Short title



An Act to amend The Police Act

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*1st Reading*

June 10th, 1969

*2nd Reading*

*3rd Reading*

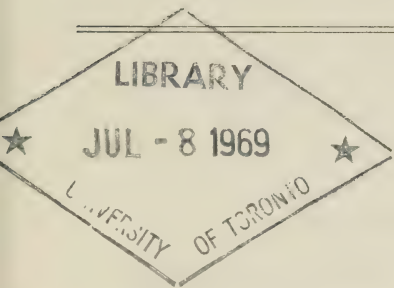
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MR. WISHART

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## BILL 178

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend The Police Act**

MR. WISHART

*(Reprinted as amended by the Legal and Municipal Committee)*

#### EXPLANATORY NOTES

SECTION 1. Complementary to section 2 of the Bill.

SECTION 2. The amendment permits the senior officers of a police force to form their own association and bargain separately.

BILL 178

1968-69

## An Act to amend The Police Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 22 of *The Police Act*, as enacted by section 3 of *The Police Amendment Act, 1968*, is amended by inserting after "member" in the second line "or senior officer", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 298, s. 22,  
subs. 2  
(1968, c. 97,  
s. 3),  
amended

- (2) Where a question arises as to whether or not any person is a member or senior officer of a police force for the purposes of any provision of this Act, the Commission shall, upon the application of any person affected and after a hearing, determine the question, and the decision of the Commission is final.

Determina-  
tion by  
Commission

**2.** *The Police Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 298,  
amended

**27a.**—(1) In this section, "senior officer" means a member of a police force of the rank of inspector or higher or a civilian employee employed in a supervisory or confidential capacity, but does not include a chief of police or deputy chief of police.

Senior  
officer  
defined

- (2) Where not fewer than 50 per cent of the senior officers of a police force are members of an association composed only of senior officers, section 27 applies and,

Separate  
bargaining  
by senior  
officers

(a) where the police force has ten or more senior officers, section 28 applies; and

(b) where the police force has fewer than ten senior officers, section 29 applies,

to the senior officers of the police force and to the association in the same manner as to the members of the police force and their association.



Idem

- (3) Where subsection 2 applies, the senior officers of the police force shall not be included as members of the police force for the purposes of sections 27, 28 and 29.

R.S.O. 1960,  
c. 298, s. 28,  
subs. 3,  
re-enacted

3. Subsection 3 of section 28 of *The Police Act*, as amended by subsection 1 of section 5 of *The Police Amendment Act, 1968*, is repealed and the following substituted therefor:

Failure  
to appoint  
chairman

- (3) Where the two members of the board of arbitration appointed under subsections 1 and 2 fail, within five days of the appointment of the one last appointed, to appoint a third member, the Lieutenant Governor in Council may, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint the third member who shall not be a member of the board.

R.S.O. 1960,  
c. 298, s. 29,  
subs. 2,  
amended

4. Subsection 2 of section 29 of *The Police Act* is amended by striking out "Attorney General" in the third line and inserting in lieu thereof "Lieutenant Governor in Council" and by adding at the end thereof "who shall not be a member of the board", so that the subsection shall read as follows:

Failure  
to appoint  
arbitrator

- (2) Where the parties fail to appoint an arbitrator within thirty days after receipt of the notice mentioned in subsection 1, the Lieutenant Governor in Council may, upon the written request of either of the parties, appoint the arbitrator who shall not be a member of the board.

R.S.O. 1960,  
c. 298, s. 32  
(1968, c. 97,  
s. 7),  
subs. 1,  
re-enacted

5.—(1) Subsection 1 of section 32 of *The Police Act*, as re-enacted by section 7 of *The Police Amendment Act, 1968*, is repealed and the following substituted therefor:

Determina-  
tion of  
disputes

- (1) Where,

- (a) a difference arises between the parties relating to the interpretation, application or administration of an agreement made under section 27, or of a decision or award of an arbitrator or board of arbitration made under section 28 or 29; or
- (b) an allegation is made that the agreement or award has been violated,

either of the parties may, notwithstanding any grievance or arbitration procedure established by the agreement, notify the other party in writing of its desire to submit the difference or allegation to an

SECTION 3. The amendment removes doubt that the third member can be appointed under this provision where one of the members of the board of arbitration was appointed by the Attorney General under the preceding provision. The appointment of the third member is to be made in the absence of agreement by the Lieutenant Governor in Council instead of the Attorney General to permit the appointment of a county court judge under section 38 of the *Judges Act* (Canada).

SECTION 4. The amendment provides for the appointment of a single arbitrator to be made, in the absence of agreement, by the Lieutenant Governor in Council instead of the Attorney General to permit the appointment of a county court judge under section 38 of the *Judges Act* (Canada).

SECTION 5—Subsection 1. The amendment permits reference to an arbitrator to determine differences in the interpretation of a collective agreement even though the procedure provided in the agreement is stated to be final and extends the maximum time for the hearing from thirty to forty-five days.

Subsection 2. The amendment provides that in all cases where an arbitrator's decision is filed in court for enforcement, the arbitrator does the actual filing.

SECTION 6. The amendment makes the references to section 32 of the Act agree with the amendment to that section in 1968.

SECTION 7. The amendment authorizes the Ontario Police Commission to exercise control over the use of weapons and equipment by police forces.

arbitrator and, if the recipient of the notice and the party desiring the arbitration do not within ten days agree upon a single arbitrator, the appointment of a single arbitrator shall be made by the Attorney General upon the request of either party, and the arbitrator shall commence to hear and determine the difference within thirty days after his appointment and shall issue a decision within a reasonable time thereafter, and such decision is final and binding upon the parties.

- (1a) Each party to an arbitration under subsection 1 shall share equally the cost of the arbitration proceedings and the cost of the arbitrator. <sup>Costs</sup>

(2) Subsection 2 of the said section 32 is amended by striking out "Either of the parties or the Commission may" in the first line and inserting in lieu thereof "The arbitrator may and, at the request of either of the parties, shall", so that the subsection shall read as follows: <sup>R.S.O. 1960, c. 298, s. 32, (1968, c. 97, s. 7), subs. 2, amended</sup>

- (2) The arbitrator may, and, at the request of either of the parties, shall, after the expiration of thirty days from the date of the delivery of the decision, or of the date provided in the decision for compliance, whichever is the later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, in the form prescribed by the regulations, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such. <sup>Enforcement</sup>

**6.** Subsection 1 of section 33 of *The Police Act*, as amended by section 9 of *The Police Amendment Act, 1966* and section 8 of *The Police Amendment Act, 1968*, is further amended by inserting after "or" in the fourth line "of the arbitrator under section", so that the subsection shall read as follows: <sup>R.S.O. 1960, c. 298, s. 33, subs. 1, amended</sup>

- (1) Every agreement made under section 27 and every decision or award of a majority of the members of a board of arbitration under section 28 or of an arbitrator under section 29 or of the arbitrator under section 32 is binding upon the council of the municipality, the board, where there is a board, and the members of the police force, other than the chief of police and any deputy chief of police. <sup>Effect of agreement or award</sup>

**7.** Section 39b of *The Police Act*, as enacted by section 4 of *The Police Amendment Act, 1962-63*, is amended by adding thereto the following subsection: <sup>R.S.O. 1960, c. 298, s. 39b (1962-63, c. 106, s. 4), amended</sup>

Equipment (2) The Commission may, by order, regulate or prohibit the use of any equipment by a police force in Ontario or its members.

Commence-  
ment **8.** This Act comes into force on the day it receives Royal Assent.

Short title **9.** This Act may be cited as *The Police Amendment Act, 1968-69*.









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An Act to amend The Police Act

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*1st Reading*

June 10th, 1969

*2nd Reading*

June 20th, 1969

*3rd Reading*

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MR. WISHART

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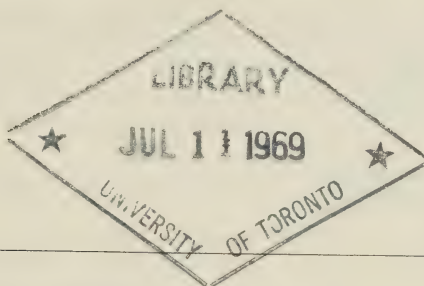
*(Reprinted as amended by the Legal and  
Municipal Committee)*

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act to amend The Police Act**



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MR. WISHART

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*(Reprinted as amended by the Committee of the Whole House)*



#### EXPLANATORY NOTES

SECTION 1. Complementary to section 2 of the Bill.

SECTION 2. The amendment permits the senior officers of a police force to form their own association and bargain separately.

BILL 178

1968-69

## An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 22 of *The Police Act*, as enacted by section 3 of *The Police Amendment Act, 1968*, is amended by inserting after "member" in the second line "or senior officer", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 298, s. 22,  
subs. 2  
(1968, c. 97,  
s. 3),  
amended

(2) Where a question arises as to whether or not any person is a member or senior officer of a police force for the purposes of any provision of this Act, the Commission shall, upon the application of any person affected and after a hearing, determine the question, and the decision of the Commission is final.

Determina-  
tion by  
Commission

2. *The Police Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 298,  
amended

27a.—(1) In this section, "senior officer" means a member of a police force of the rank of inspector or higher or a civilian employee employed in a supervisory or confidential capacity, but does not include a chief of police or deputy chief of police.

Senior  
officer  
defined

(2) Where not fewer than 50 per cent of the senior officers of a police force are members of an association composed only of senior officers, section 27 applies and,

Separate  
bargaining  
by senior  
officers

(a) where the police force has ten or more senior officers, section 28 applies; and

(b) where the police force has fewer than ten senior officers, section 29 applies,

to the senior officers of the police force and to the association in the same manner as to the members of the police force and their association.

Idem

- (3) Where subsection 2 applies, the senior officers of the police force shall not be included as members of the police force for the purposes of sections 27, 28 and 29.

R.S.O. 1960,  
c. 298, s. 28,  
subs. 3,  
re-enacted

**3.** Subsection 3 of section 28 of *The Police Act*, as amended by subsection 1 of section 5 of *The Police Amendment Act, 1968*, is repealed and the following substituted therefor:

Failure  
to appoint  
chairman

- (3) Where the two members of the board of arbitration appointed under subsections 1 and 2 fail, within five days of the appointment of the one last appointed, to appoint a third member, the Lieutenant Governor in Council may, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint the third member who shall not be a member of a board.

R.S.O. 1960,  
c. 298, s. 29,  
subs. 2,  
amended

**4.** Subsection 2 of section 29 of *The Police Act* is amended by striking out "Attorney General" in the third line and inserting in lieu thereof "Lieutenant Governor in Council" and by adding at the end thereof "who shall not be a member of a board", so that the subsection shall read as follows:

Failure  
to appoint  
arbitrator

- (2) Where the parties fail to appoint an arbitrator within thirty days after receipt of the notice mentioned in subsection 1, the Lieutenant Governor in Council may, upon the written request of either of the parties, appoint the arbitrator who shall not be a member of a board.

R.S.O. 1960,  
c. 298, s. 32  
(1968, c. 97,  
s. 7),  
subs. 1,  
re-enacted

**5.—(1)** Subsection 1 of section 32 of *The Police Act*, as re-enacted by section 7 of *The Police Amendment Act, 1968*, is repealed and the following substituted therefor:

Determina-  
tion of  
disputes

- (1) Where,
- (a) a difference arises between the parties relating to the interpretation, application or administration of an agreement made under section 27, or of a decision or award of an arbitrator or board of arbitration made under section 28 or 29; or
  - (b) an allegation is made that the agreement or award has been violated,

either of the parties may, notwithstanding any grievance or arbitration procedure established by the agreement, notify the other party in writing of its desire to submit the difference or allegation to an

SECTION 3. The amendment removes doubt that the third member can be appointed under this provision where one of the members of the board of arbitration was appointed by the Attorney General under the preceding provision. The appointment of the third member is to be made in the absence of agreement by the Lieutenant Governor in Council instead of the Attorney General to permit the appointment of a county court judge under section 38 of the *Judges Act* (Canada).

SECTION 4. The amendment provides for the appointment of a single arbitrator to be made, in the absence of agreement, by the Lieutenant Governor in Council instead of the Attorney General to permit the appointment of a county court judge under section 38 of the *Judges Act* (Canada).

SECTION 5—Subsection 1. The amendment permits reference to an arbitrator to determine differences in the interpretation of a collective agreement even though the procedure provided in the agreement is stated to be final and extends the maximum time for the hearing from thirty to forty-five days.

Subsection 2. The amendment provides that in all cases where an arbitrator's decision is filed in court for enforcement, the arbitrator does the actual filing.

SECTION 6. The amendment makes the references to section 32 of the Act agree with the amendment to that section in 1968.

SECTION 7. The amendment authorizes the Ontario Police Commission to exercise control over the use of weapons and equipment by police forces.



arbitrator and, if the recipient of the notice and the party desiring the arbitration do not within ten days agree upon a single arbitrator, the appointment of a single arbitrator shall be made by the Attorney General upon the request of either party, and the arbitrator shall commence to hear and determine the difference within thirty days after his appointment and shall issue a decision within a reasonable time thereafter, and such decision is final and binding upon the parties.

- (1a) Each party to an arbitration under subsection 1 shall share equally the cost of the arbitration proceedings and the cost of the arbitrator. <sup>Costs</sup>

(2) Subsection 2 of the said section 32 is amended by striking out "Either of the parties or the Commission may" in the first line and inserting in lieu thereof "The arbitrator may and, at the request of either of the parties, shall", so that the subsection shall read as follows: <sup>R.S.O. 1960, c. 298, s. 32 (1968, c. 97, s. 7), subs. 2, amended</sup>

- (2) The arbitrator may, and, at the request of either of the parties, shall, after the expiration of thirty days from the date of the delivery of the decision, or of the date provided in the decision for compliance, whichever is the later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, in the form prescribed by the regulations, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such. <sup>Enforcement</sup>

**6.** Subsection 1 of section 33 of *The Police Act*, as amended by section 9 of *The Police Amendment Act, 1966* and section 8 of *The Police Amendment Act, 1968*, is further amended by inserting after "or" in the fourth line "of the arbitrator under section", so that the subsection shall read as follows: <sup>R.S.O. 1960, c. 298, s. 33, subs. 1, amended</sup>

- (1) Every agreement made under section 27 and every decision or award of a majority of the members of a board of arbitration under section 28 or of an arbitrator under section 29 or of the arbitrator under section 32 is binding upon the council of the municipality, the board, where there is a board, and the members of the police force, other than the chief of police and any deputy chief of police. <sup>Effect of agreement or award</sup>

**7.** Section 39b of *The Police Act*, as enacted by section 4 of *The Police Amendment Act, 1962-63*, is amended by adding thereto the following subsection: <sup>R.S.O. 1960, c. 298, s. 39b (1962-63, c. 106, s. 4), amended</sup>

- Equipment (2) Subject to the approval of the Attorney General,  
the Commission may, by order, regulate or prohibit  
the use of any equipment by a police force in Ontario  
or its members.
- Commence-  
ment **8.** This Act comes into force on the day it receives Royal  
Assent.
- Short title **9.** This Act may be cited as *The Police Amendment Act,*  
*1968-69.*









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An Act to amend The Police Act

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*1st Reading*

June 10th, 1969

*2nd Reading*

June 20th, 1969

*3rd Reading*

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MR. WISHART

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(Reprinted as amended by  
the Committee of the Whole House)

## BILL 178

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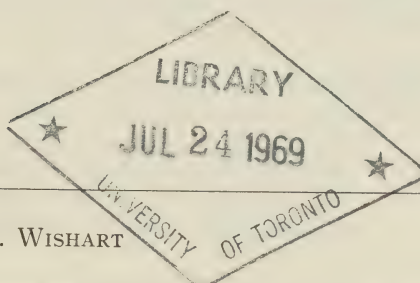
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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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An Act to amend The Police Act



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MR. WISHART

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## An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 22 of *The Police Act*, as enacted by section 3 of *The Police Amendment Act, 1968*, is amended by inserting after "member" in the second line "or senior officer", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 298, s. 22,  
subs. 2  
(1968, c. 97,  
s. 3),  
amended

(2) Where a question arises as to whether or not any person is a member or senior officer of a police force for the purposes of any provision of this Act, the Commission shall, upon the application of any person affected and after a hearing, determine the question, and the decision of the Commission is final.

Determina-  
tion by  
Commission

2. *The Police Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 298,  
amended

27a.—(1) In this section, "senior officer" means a member of a police force of the rank of inspector or higher or a civilian employee employed in a supervisory or confidential capacity, but does not include a chief of police or deputy chief of police.

Senior  
officer  
defined

(2) Where not fewer than 50 per cent of the senior officers of a police force are members of an association composed only of senior officers, section 27 applies and,

Separate  
bargaining  
by senior  
officers

(a) where the police force has ten or more senior officers, section 28 applies; and

(b) where the police force has fewer than ten senior officers, section 29 applies,

to the senior officers of the police force and to the association in the same manner as to the members of the police force and their association.

Idem

- (3) Where subsection 2 applies, the senior officers of the police force shall not be included as members of the police force for the purposes of sections 27, 28 and 29.

R.S.O. 1960,  
c. 298, s. 28,  
subs. 3,  
re-enacted

**3.** Subsection 3 of section 28 of *The Police Act*, as amended by subsection 1 of section 5 of *The Police Amendment Act, 1968*, is repealed and the following substituted therefor:

Failure  
to appoint  
chairman

- (3) Where the two members of the board of arbitration appointed under subsections 1 and 2 fail, within five days of the appointment of the one last appointed, to appoint a third member, the Lieutenant Governor in Council may, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint the third member who shall not be a member of a board.

R.S.O. 1960,  
c. 298, s. 29,  
subs. 2,  
amended

**4.** Subsection 2 of section 29 of *The Police Act* is amended by striking out "Attorney General" in the third line and inserting in lieu thereof "Lieutenant Governor in Council" and by adding at the end thereof "who shall not be a member of a board", so that the subsection shall read as follows:

Failure  
to appoint  
arbitrator

- (2) Where the parties fail to appoint an arbitrator within thirty days after receipt of the notice mentioned in subsection 1, the Lieutenant Governor in Council may, upon the written request of either of the parties, appoint the arbitrator who shall not be a member of a board.

R.S.O. 1960,  
c. 298, s. 32  
(1968, c. 97,  
s. 7),  
subs. 1,  
re-enacted

**5.**—(1) Subsection 1 of section 32 of *The Police Act*, as re-enacted by section 7 of *The Police Amendment Act, 1968*, is repealed and the following substituted therefor:

Determina-  
tion of  
disputes

- (1) Where,
- (a) a difference arises between the parties relating to the interpretation, application or administration of an agreement made under section 27, or of a decision or award of an arbitrator or board of arbitration made under section 28 or 29; or
  - (b) an allegation is made that the agreement or award has been violated,

either of the parties may, notwithstanding any grievance or arbitration procedure established by the agreement, notify the other party in writing of its desire to submit the difference or allegation to an



arbitrator and, if the recipient of the notice and the party desiring the arbitration do not within ten days agree upon a single arbitrator, the appointment of a single arbitrator shall be made by the Attorney General upon the request of either party, and the arbitrator shall commence to hear and determine the difference within thirty days after his appointment and shall issue a decision within a reasonable time thereafter, and such decision is final and binding upon the parties.

- (1a) Each party to an arbitration under subsection 1 shall share equally the cost of the arbitration proceedings and the cost of the arbitrator. <sup>Costs</sup>

(2) Subsection 2 of the said section 32 is amended by striking out "Either of the parties or the Commission may" in the first line and inserting in lieu thereof "The arbitrator may and, at the request of either of the parties, shall", so that the subsection shall read as follows: <sup>R.S.O. 1960, c. 298, s. 32 (1968, c. 97, s. 7), subs. 2, amended</sup>

- (2) The arbitrator may, and, at the request of either of the parties, shall, after the expiration of thirty days from the date of the delivery of the decision, or of the date provided in the decision for compliance, whichever is the later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, in the form prescribed by the regulations, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such. <sup>Enforcement</sup>

6. Subsection 1 of section 33 of *The Police Act*, as amended by section 9 of *The Police Amendment Act, 1966* and section 8 of *The Police Amendment Act, 1968*, is further amended by inserting after "or" in the fourth line "of the arbitrator under section", so that the subsection shall read as follows: <sup>R.S.O. 1960, c. 298, s. 33, subs. 1, amended</sup>

- (1) Every agreement made under section 27 and every decision or award of a majority of the members of a board of arbitration under section 28 or of an arbitrator under section 29 or of the arbitrator under section 32 is binding upon the council of the municipality, the board, where there is a board, and the members of the police force, other than the chief of police and any deputy chief of police. <sup>Effect of agreement or award</sup>

7. Section 39b of *The Police Act*, as enacted by section 4 of *The Police Amendment Act, 1962-63*, is amended by adding thereto the following subsection: <sup>R.S.O. 1960, c. 298, s. 39b (1962-63, c. 106, s. 4), amended</sup>

Equipment	(2) Subject to the approval of the Attorney General, the Commission may, by order, regulate or prohibit the use of any equipment by a police force in Ontario or its members.
Commence- ment	<b>8.</b> This Act comes into force on the day it receives Royal Assent.
Short title	<b>9.</b> This Act may be cited as <i>The Police Amendment Act, 1968-69</i> .



An Act to amend The Police Act

*1st Reading*

June 10th, 1969

*2nd Reading*

June 20th, 1969

*3rd Reading*

June 27th, 1969

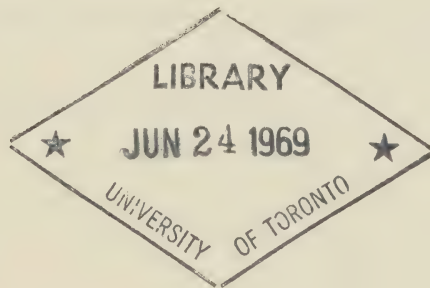
MR. WISHART

**BILL 179**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Wolf and Bear Bounty Act**

MR. BRUNELLE





#### EXPLANATORY NOTE

This Bill authorizes the payment of wolf bounties in regional municipalities.

BILL 179

1968-69

## An Act to amend The Wolf and Bear Bounty Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Wolf and Bear Bounty Act* is amended <sup>R.S.O. 1960, c. 434, s. 1,</sup> by re-lettering clause *a* as clause *aa* and by adding thereto <sup>amended</sup> the following clause:

(a) "county" includes a regional municipality.

**2.** Notwithstanding section 2 of *The Wolf and Bear Bounty* <sup>Transitional</sup> *Act*, a person who has killed a timber or brush wolf in The Regional Municipality of Ottawa-Carleton, after the 31st day of December, 1968 and before the day on which this Act receives Royal Assent, and produces the skin to the treasurer of that regional municipality on or before the 31st day of December, 1969, is not disentitled to a bounty by reason of not so producing the skin within six months after the killing of the wolf.

**3.** This Act shall be deemed to have come into force on <sup>Commence-</sup> the 1st day of January, 1969. <sup>ment</sup>

**4.** This Act may be cited as *The Wolf and Bear Bounty* <sup>Short title</sup> *Amendment Act, 1968-69.*

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An Act to amend  
The Wolf and Bear Bounty Act

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*1st Reading*

June 10th, 1969

*2nd Reading*

*3rd Reading*

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MR. BRUNELLE

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BILL 179

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

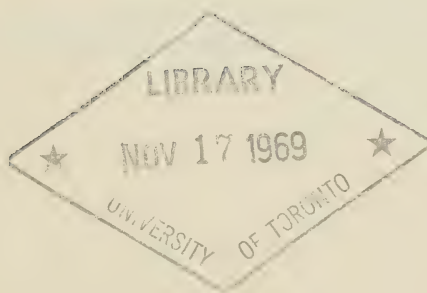
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**An Act to amend The Wolf and Bear Bounty Act**

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MR. BRUNELLE

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BILL 179

1968-69

## An Act to amend The Wolf and Bear Bounty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Wolf and Bear Bounty Act* is amended <sup>R.S.O. 1960, c. 434, s. 1, amended</sup> by re-lettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) "county" includes a regional municipality.

2. Notwithstanding section 2 of *The Wolf and Bear Bounty Act*, <sup>Transitional</sup> a person who has killed a timber or brush wolf in The Regional Municipality of Ottawa-Carleton, after the 31st day of December, 1968 and before the day on which this Act receives Royal Assent, and produces the skin to the treasurer of that regional municipality on or before the 31st day of December, 1969, is not disentitled to a bounty by reason of not so producing the skin within six months after the killing of the wolf.

3. This Act shall be deemed to have come into force on <sup>Commence-</sup> the 1st day of January, 1969. <sup>ment</sup>

4. This Act may be cited as *The Wolf and Bear Bounty* <sup>Short title</sup> *Amendment Act, 1968-69.*

An Act to amend  
The Wolf and Bear Bounty Act

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*1st Reading*

June 10th, 1969

*2nd Reading*

October 30th, 1969

*3rd Reading*

October 31st, 1969

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MR. BRUNELLE

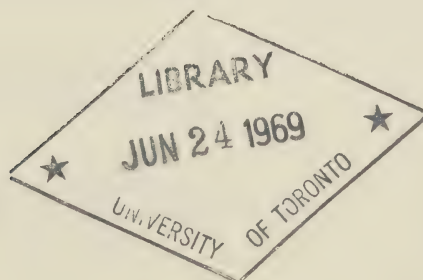
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## BILL 180

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**The Used Car Dealers Act, 1968-69**

MR. ROWNTREE



#### EXPLANATORY NOTE

*The Used Car Dealers Act, 1964* is re-enacted for the purpose of revising the registration procedures and vests in The Commercial Registration Appeal Tribunal all hearings concerning registration with appeals to the Court of Appeal.

### The Used Car Dealers Act, 1968-69

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Department" means the Department of Financial and Commercial Affairs;
- (b) "Director" means the Director of the Consumer Protection Division of the Department;
- (c) "Minister" means the Minister of Financial and Commercial Affairs;
- (d) "prescribed" means prescribed by this Act or the regulations;
- (e) "registered" means registered under this Act;
- (f) "Registrar" means the Registrar of Used Car Dealers and Salesmen;
- (g) "regulations" means the regulations made under this Act;
- (h) "salesman" means a person employed, appointed or authorized by a dealer to buy or sell used cars on the dealer's behalf;
- (i) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*; <sup>R.S.O. 1966, c. 41</sup>
- (j) "used car" means a motor vehicle, as defined in *The Highway Traffic Act*, that has been driven for any purpose other than delivery to a dealer and servicing; <sup>R.S.O. 1960, c. 172</sup>



- (k) "used car dealer" means a person who carries on the business of buying or selling used cars, whether for his own account or the account of any other person, or who holds himself out as carrying on the business of buying or selling used cars. 1964, c. 121, s. 1; 1967, c. 104, s. 1 (1), *amended*.

**Registrar**      **2.**—(1) There shall be a Registrar of Used Car Dealers and Salesmen who shall be appointed by the Lieutenant Governor in Council. *New*.

**Duties of Registrar**      (2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director. 1964, c. 121, s. 2, *amended*.

**Registration required**      **3.**—(1) No person shall,

- (a) carry on business as a used car dealer unless he is registered under this Act; or
- (b) act as a salesman of or on behalf of a used car dealer unless he is registered as a salesman of such dealer and such dealer is registered as a used car dealer under this Act.

**Representation**      (2) No person shall publish or cause to be published any representation that he is registered under this Act. 1964, c. 121, s. 3.

**Name and place of business**      (3) A registered used car dealer shall not carry on business in a name other than the name in which it is registered or invite the public to deal at a place other than that authorized by the registration. *New*.

**Dealer to ensure salesmen registered**      **4.** A used car dealer shall not retain the services of a salesman who is not registered under this Act. 1967, c. 104, s. 2.

**Registration**      **5.**—(1) An applicant is entitled to registration or renewal of registration except where,

- (a) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;
- (b) where the applicant is a corporation, its financial responsibility or the record of past conduct of the corporation or its officers or directors is such that it would not be in the public interest for the registration or renewal to be granted;

- (c) the applicant is or proposes to be in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions <sup>Conditions of registration</sup> as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. 1964, c. 121, s. 4 (1), *amended*.

**6.**—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a condition of the registration. <sup>Revocation</sup>

(2) Notwithstanding subsection 1, the Registrar may <sup>Voluntary cancellation</sup> cancel a registration upon the request in writing of the registrant in the prescribed form, surrendering his registration. 1964, c. 121, s. 4 (2, 3), *amended*.

**7.**—(1) Where the Registrar refuses to issue or renew a <sup>Hearing by Tribunal</sup> registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

(2) The Tribunal shall fix a date for the hearing and <sup>Notice of hearing</sup> shall serve notice of the hearing on the parties at least ten days before the day fixed.

(3) The notice of hearing shall contain, Idem

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a reference to the rules of procedure applicable to the hearing;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings. *New.*

- Parties**            **8.**—(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.
- Failure to attend**    (2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence. *New.*
- Adjournment**       **9.**—(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,
- (a) on its own motion; or
- (b) on the motion of any party to the hearing.
- Subpoenas**        (2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.
- Oaths**            (3) The Tribunal may require any person,
- (a) to give evidence on oath at a hearing; and
- (b) to produce such documents and things as the Tribunal requires.
- Idem**             (4) The Tribunal may admit evidence not given under oath.
- Offences**        (5) Any person who, without lawful excuse,
- (a) on being duly summoned as a witness before the Tribunal, makes default in attending; or
- (b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or
- (c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,
- is guilty of an offence punishable under subsection 6.
- Enforcement**      (6) The Tribunal may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who

may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. *New.*

**10.** Any party may be represented before the Tribunal by <sup>Right of party to counsel</sup> counsel or agent. *New.*

**11.**—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel <sup>Right of witness to counsel</sup> or agent may only advise the witness and state objections under the provisions of the relevant law.

(2) Where a hearing is *in camera*, a counsel or agent for <sup>Exclusion of counsel</sup> a witness shall be excluded except when that witness is giving evidence. *New.*

**12.** At a hearing before the Tribunal, any party may call <sup>Right of parties at hearing</sup> and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. *New.*

**13.**—(1) All hearings shall be open to the public except <sup>Hearings to be open to public; exceptions</sup> where the Tribunal finds that,

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.

(2) Notwithstanding the exceptions mentioned in clauses *a* <sup>Idem</sup> and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions. *New.*

**14.** Documents and things put in evidence at a hearing <sup>Release of exhibits</sup> shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. *New.*

**15.**—(1) The Tribunal may consider in reaching its deci- <sup>Specialized knowledge</sup> sion any facts and information that are within its knowledge and that have not been introduced in evidence.

(2) The Tribunal shall notify all parties to a proceeding <sup>Notice</sup> of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information.



Contents  
and service  
of notice

(3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. *New.*

Record

**16.** All oral evidence received by the Tribunal shall be taken down in writing and together with,

- (a) the notice of hearing;
- (b) any rulings or orders made in the course of the proceedings of the Tribunal;
- (c) any written submissions received by the Tribunal; and
- (d) the decision and the reasons therefor,

form the record. *New.*

Decision of  
Tribunal

**17.—**(1) The Tribunal may, after the hearing,

- (a) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;
- (b) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

Decision  
to be in  
writing

(2) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Contents of  
reasons for  
decision

(3) The reasons for the final decision shall contain,

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of facts; and
- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.



(4) The Tribunal shall cause to be served on the parties <sup>Notice of decision</sup> a copy of its final decision, including the reasons therefor; and a notice stating the rights of appeal. *New.*

**18.** A certified copy of the final decision of the Tribunal, <sup>Enforcement of decisions</sup> exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such. *New.*

**19.**—(1) Any party to the hearing before the Tribunal <sup>Appeal to Court of Appeal</sup> may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

(2) The Minister may designate counsel to assist the court <sup>Counsel</sup> upon the hearing of an appeal under this section.

(3) An appeal under this section may be made on questions <sup>Decision of court</sup> of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

(4) The decision of the Court of Appeal is final. *New.* <sup>Idem</sup>

**20.** An order of the Tribunal refusing to renew or suspend- <sup>Stay</sup> ing or revoking a registration shall take effect immediately but the Tribunal may grant a stay until the order becomes final. *New.*

**21.** A further application for registration may be made <sup>Further applications</sup> upon new or other evidence or where it is clear that material circumstances have changed. 1964, c. 121, s. 17 (6), *part, amended.*

**22.**—(1) Where the Registrar receives a complaint in <sup>Investigation of complaints</sup> respect of a used car dealer and so requests in writing, the used car dealer shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

(2) The request under subsection 1 shall indicate the <sup>Idem</sup> general nature of the inquiry involved.

Idem

(3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time enter upon the business premises of the used car dealer to make an inspection in relation to the complaint. 1964, c. 121, s. 10, *amended*.

Inspection

**23.**—(1) The Registrar or any person designated by him in writing, may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts are being complied with.

Idem

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a used car dealer or salesman while unregistered, the Registrar or any person designated by him in writing, may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3. *New*.

Powers on inspection

**24.**—(1) Upon an inspection under section 22 or 23, the person inspecting,

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility of copies

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original. *New*.

Investigations

**25.**—(1) Where, upon a statement made under oath, it appears probable to the Director that any person has,

- (a) contravened any of the provisions of this Act or the regulations; or

- (b) committed an offence, under the *Criminal Code*<sup>1953-54, c. 51 (Can.)</sup> (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulations or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

(2) Notwithstanding subsection 1, the Minister may by order appoint one or more persons to make an investigation into any matter to which this Act applies and the person appointed shall report the result of his investigation to the Minister.

(3) For the purpose of any investigation ordered under this section, any person appointed to make the investigation may at any reasonable time enter upon the business premises and may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or in connection with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the investigation.

(4) Any person making an investigation under this section may, upon giving a receipt therefor, remove any document or record relating to the person whose affairs are being investigated and that relate to the subject-matter of the investigation, for the purpose of making a copy of such document or record, provided that such copying is carried out with reasonable dispatch and the document or record in question is promptly thereafter returned to the person whose affairs are being investigated.

(5) Any copy made as provided in subsection 4 and purporting to be certified by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original document or record.

(6) The Minister or Director may appoint any expert to examine documents, records, properties and matters of any person whose affairs are being investigated under this Act.



Evidence by  
witness

(7) The investigator may, in the prescribed form, command the attendance before him of any person as a witness and subsections 2 to 6 of section 9 and section 11 apply to the investigator and witness in the same manner as to the Tribunal and witnesses before it. 1964, c. 121, s. 11; 1967, c. 104, s. 5 (1), *amended*.

Confiden-  
tiality

(8) No person, without the consent of the Minister, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under this section or the name of any witness examined or sought to be examined in such investigation. 1964, c. 121, s. 13, *amended*.

Report

**26.** Where, upon the report of an investigation made under subsection 1 of section 25, it appears to the Director that a person may have,

(a) contravened any of the provisions of this Act or the regulations; or

1953-54,  
c. 51 (Can.)

(b) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister. 1964, c. 7, s. 9, *part, amended*.

Order to  
refrain from  
dealing with  
assets

**27.—**(1) The Director may,

(a) after an investigation of any person has been ordered under section 25; or

(b) where criminal proceedings or proceedings in respect of a contravention of any Act or regulation are about to be or have been instituted against a person that in the opinion of the Director are connected with or arise out of the business in respect of which such person is registered or required to be registered,

in writing or by telegram, direct any person having on deposit or under control or for safe-keeping any assets or trust funds of the person referred to in clause *a* or *b*, to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any other person having any of them on deposit, under control or for safe-keeping or to hold such assets or

trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes such direction or consents to release any particular asset or trust fund from the direction, but, in the case of a bank, loan or trust company, the direction only applies to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,  
cc. 14, 296  
R.S.O. 1960,  
cc. 197, 71

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

Bond  
in lieu

(a) a personal bond accompanied by collateral security;

(b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or

R.S.O. 1960,  
c. 168

(c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

in such form, terms and amount as the Director determines.

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just. 1964, c. 121, s. 14.

Applica-  
tion for  
direction

(4) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice. *New.*

Notice to  
registrar  
of deeds,  
etc.

**28.**—(1) Every used car dealer shall, within five days after the event, notify the Registrar in writing of,

Notice of  
changes

(a) any change in his address for service;

(b) any change in the officers in the case of a corporation or of the members in the case of a partnership;

(c) any commencement or termination of the employment, appointment or authorization of a salesman;



- (d) in the case of a corporation, any change in the ownership of its shares. 1964, c. 121, s. 9 (2); 1967, c. 104, s. 4, *amended*.

Idem

(2) Every used car salesman shall, within five days after the event, notify the Registrar in writing of,

(a) any change in his address for service; and

(b) any commencement or termination of his employment. 1964, c. 121, s. 9 (3), *amended*.

Financial statements

**29.** Every used car dealer shall, when required by the Registrar, file a financial statement showing the matters specified by the Registrar and signed by the used car dealer and certified by a person licensed under *The Public Accountancy Act*. *New*.

R.S.O. 1960,  
c. 317

False advertising

**30.** Where, in the opinion of the Registrar, a used car dealer is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 7 to 19 apply to the order in the same manner as to a decision of the Registrar refusing registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. 1965, c. 139, s. 1, *amended*.

Service

**31.**—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department. 1964, c. 121, s. 8, *amended*.

Idem

(2) Where service is made by registered mail the service shall be deemed to be made on the third day after the day of mailing.

Exception

(3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal. *New*.

Restraining orders

**32.**—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing

such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

(2) An appeal lies to the Court of Appeal from an order<sup>Appeal</sup> made under subsection 1. *New.*

**33.**—(1) Every person who,

Offences

- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed<sup>Corporations</sup> upon the corporation is \$25,000 and not as provided therein.

(3) No proceedings under this section shall be instituted<sup>Consent of Minister</sup> except with the consent of the Minister.

(4) No proceeding under clause *a* of subsection 1 shall be<sup>Limitation</sup> commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

(5) No proceeding under clause *b* or *c* of subsection 1<sup>Idem</sup> shall be commenced more than two years after the time when the subject-matter of the proceeding arose. 1964, c. 121, s. 19; 1967, c. 104, s. 9, *amended*.

**34.** A statement as to,

Certificate  
as evidence

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;

- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. 1964, c. 121, s. 20.

**Regulations 35.** The Lieutenant Governor in Council may make regulations,

- (a) exempting any class of person from this Act or the regulations or any provision thereof;
- (b) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;
- (c) requiring the payment of fees on application for registration or renewal of registration, and prescribing the amounts thereof;
- (d) requiring registered used car dealers or any class thereof to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (e) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (f) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof;
- (g) requiring and governing the maintenance of trust accounts by used car dealers or any class thereof, and prescribing the moneys that shall be held in trust and the terms and conditions therefor;
- (h) requiring and governing the books, accounts and records that shall be kept by used car dealers;

- (i) requiring used car dealers and salesmen to make returns and furnish information to the Registrar;
- (j) prescribing the information that used car dealers and salesmen shall disclose respecting the history of any class or classes of used cars;
- (k) prohibiting prescribed alterations of used cars or any part thereof and requiring disclosure of prescribed alterations not prohibited;
- (l) governing contracts for the sale and purchase of used cars;
- (m) prescribing forms for the purposes of this Act and providing for their use;
- (n) requiring any information required to be furnished or contained in any form or return to be verified by affidavit. 1964, c. 121, s. 21; 1965, c. 139, s. 2; 1967, c. 104, s. 10, *amended*.

**36.** *The Used Car Dealers Act, 1964, The Used Car Dealers Amendment Act, 1965 and The Used Car Dealers Amendment Act, 1967* are repealed. 1964, c. 121,  
1965, c. 139,  
1967, c. 104,  
repealed

**37.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

**38.** This Act may be cited as *The Used Car Dealers Act*, Short title  
1968-69.







The Used Car Dealers Act, 1968-69

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*1st Reading*

June 10th, 1969

*2nd Reading*

*3rd Reading*

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MR. ROWNTREE

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## BILL 180

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

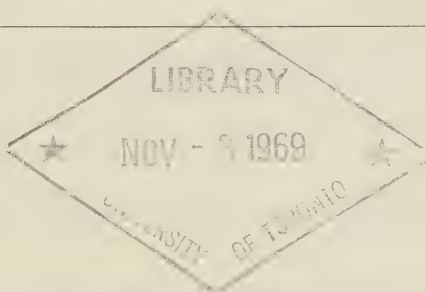
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**The Used Car Dealers Act, 1968-69**

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MR. ROWNTREE

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*(Reprinted as amended by the Legal and Municipal Committee)*

#### EXPLANATORY NOTE

*The Used Car Dealers Act, 1964* is re-enacted for the purpose of revising the registration procedures and vests in The Commercial Registration Appeal Tribunal all hearings concerning registration with appeals to the Court of Appeal.

BILL 180

1968-69

### The Used Car Dealers Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Department" means the Department of Financial and Commercial Affairs;
- (b) "Director" means the Director of the Consumer Protection Division of the Department;
- (c) "Minister" means the Minister of Financial and Commercial Affairs;
- (d) "prescribed" means prescribed by this Act or the regulations;
- (e) "registered" means registered under this Act;
- (f) "Registrar" means the Registrar of Used Car Dealers and Salesmen;
- (g) "regulations" means the regulations made under this Act;
- (h) "salesman" means a person employed, appointed or authorized by a dealer to buy or sell used cars on the dealer's behalf;
- (i) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department* 1966, c. 41 of *Financial and Commercial Affairs Act, 1966*;
- (j) "used car" means a motor vehicle, as defined in *The Highway Traffic Act*, that has been driven for any purpose other than delivery to a dealer and servicing; R.S.O. 1960,  
c. 172



- (k) "used car dealer" means a person who carries on the business of buying or selling used cars, whether for his own account or the account of any other person, or who holds himself out as carrying on the business of buying or selling used cars. 1964, c. 121, s. 1; 1967, c. 104, s. 1 (1), *amended*.

**Registrar**      **2.—**(1) There shall be a Registrar of Used Car Dealers and Salesmen who shall be appointed by the Lieutenant Governor in Council. *New*.

**Duties of Registrar**      (2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director. 1964, c. 121, s. 2, *amended*.

**Registration required**      **3.—**(1) No person shall,

- (a) carry on business as a used car dealer unless he is registered under this Act; or
- (b) act as a salesman of or on behalf of a used car dealer unless he is registered as a salesman of such dealer and such dealer is registered as a used car dealer under this Act.

**Representation**      (2) No person shall publish or cause to be published any representation that he is registered under this Act. 1964, c. 121, s. 3.

**Name and place of business**      (3) A registered used car dealer shall not carry on business in a name other than the name in which it is registered or invite the public to deal at a place other than that authorized by the registration. *New*.

**Dealer to ensure salesmen registered**      **4.** A used car dealer shall not retain the services of a salesman who is not registered under this Act. 1967, c. 104, s. 2.

**Registration**      **5.—**(1) An applicant is entitled to registration or renewal of registration except where,

- (a) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;
- (b) where the applicant is a corporation, its financial responsibility or the record of past conduct of the corporation or its officers or directors is such that it would not be in the public interest for the registration or renewal to be granted;

- (c) the applicant is or proposes to be in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions <sup>Conditions of</sup> as are consented to by the applicant, imposed by the Tribunal <sup>registration</sup> or prescribed by the regulations. 1964, c. 121, s. 4 (1), *amended*.

**6.**—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a condition of the registration. <sup>Revocation</sup>

(2) Notwithstanding subsection 1, the Registrar may <sup>Voluntary</sup> cancel a registration upon the request in writing of the registrant in the prescribed form, surrendering his registration. 1964, c. 121, s. 4 (2, 3), *amended*. <sup>cancellation</sup>

**7.**—(1) Where the Registrar refuses to issue or renew a <sup>Hearing by</sup> registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal. <sup>Tribunal</sup>

(2) The Tribunal shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten <sup>Notice of</sup> days before the day fixed. <sup>hearing</sup>

(3) The notice of hearing shall contain, Idem

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a reference to the rules of procedure applicable to the hearing;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings. *New.*

- Parties**            **8.—**(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.
- Failure to attend**    (2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence. *New.*
- Adjournment**       **9.—**(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,
- (a) on its own motion; or
- (b) on the motion of any party to the hearing.
- Subpoenas**        (2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.
- Oaths**            (3) The Tribunal may require any person,
- (a) to give evidence on oath at a hearing; and
- (b) to produce such documents and things as the Tribunal requires.
- Idem**             (4) The Tribunal may admit evidence not given under oath.
- Offences**        (5) Any person who, without lawful excuse,
- (a) on being duly summoned as a witness before the Tribunal, makes default in attending; or
- (b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or
- (c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,
- is guilty of an offence punishable under subsection 6.
- Enforcement**      (6) The Tribunal may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who

may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. *New.*

**10.** Any party may be represented before the Tribunal by counsel or agent. *New.* Right of party to counsel

**11.—**(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. Right of witness to counsel

(2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. *New.* Exclusion of counsel

**12.** At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. *New.* Right of parties at hearing

**13.—**(1) All hearings shall be open to the public except where the Tribunal finds that, Hearings to be open to public; exceptions

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.

(2) Notwithstanding the exceptions mentioned in clauses *a* Idem and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions. *New.*

**14.** Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. *New.* Release of exhibits

**15.—**(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence. Specialized knowledge

(2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information. Notice



Contents  
and service  
of notice

(3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. *New.*

Record

**16.** All oral evidence received by the Tribunal shall be taken down in writing and together with,

- (a) the notice of hearing;
- (b) any rulings or orders made in the course of the proceedings of the Tribunal;
- (c) any written submissions received by the Tribunal; and
- (d) the decision and the reasons therefor,

form the record. *New.*

Decision of  
Tribunal

**17.—**(1) The Tribunal may, after the hearing,

- (a) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;
- (b) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

Decision to be in  
writing

(2) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Contents of  
reasons for  
decision

(3) The reasons for the final decision shall contain,

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of facts; and
- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.



(4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal. *New.* <sup>Notice of decision</sup>

**18.** A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such. *New.* <sup>Enforcement of decisions</sup>

**19.**—(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. <sup>Appeal to Court of Appeal</sup>

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. <sup>Counsel</sup>

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. <sup>Decision of court</sup>

(4) The decision of the Court of Appeal is final. *New.* <sup>Idem</sup>

**20.** An order of the Tribunal refusing to renew or suspending or revoking a registration shall take effect immediately but the Tribunal may grant a stay until the order becomes final. *New.* <sup>Stay</sup>

**21.** A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. 1964, c. 121, s. 17 (6), *part, amended.* <sup>Further applications</sup>

**22.**—(1) Where the Registrar receives a complaint in respect of a used car dealer and so requests in writing, the used car dealer shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires. <sup>Investigation of complaints</sup>

(2) The request under subsection 1 shall indicate the nature of the inquiry involved. <sup>Idem</sup>

**Idem** (3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time enter upon the business premises of the used car dealer to make an inspection in relation to the complaint. 1964, c. 121, s. 10, *amended*.

**Inspection** **23.**—(1) The Registrar or any person designated by him in writing, may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts are being complied with.

**Idem** (2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a used car dealer or salesman while unregistered, the Registrar or any person designated by him in writing, may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3. *New*.

**Powers on inspection** **24.**—(1) Upon an inspection under section 22 or 23, the person inspecting,

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

**Admissibility of copies** (2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original. *New*.

**Investigations** **25.**—(1) Where, upon a statement made under oath, it appears probable to the Director that any person has,

- (a) contravened any of the provisions of this Act or the regulations; or

- (b) committed an offence, under the *Criminal Code* <sup>1953-54, c. 51 (Can.)</sup> (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulations or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

(2) Notwithstanding subsection 1, the Minister may by order appoint one or more persons to make an investigation into any matter to which this Act applies and the person appointed shall report the result of his investigation to the Minister. <sup>Investigation by order of Minister</sup>

(3) For the purpose of any investigation ordered under this section, any person appointed to make the investigation may at any reasonable time enter upon the business premises and may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or in connection with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the investigation. <sup>Scope of investigation</sup>

(4) Any person making an investigation under this section may, upon giving a receipt therefor, remove any document or record relating to the person whose affairs are being investigated and that relate to the subject-matter of the investigation, for the purpose of making a copy of such document or record, provided that such copying is carried out with reasonable dispatch and the document or record in question is promptly thereafter returned to the person whose affairs are being investigated. <sup>Removal of records</sup>

(5) Any copy made as provided in subsection 4 and purporting to be certified by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original document or record. <sup>Admissibility of copies</sup>

(6) The Minister or Director may appoint any expert to examine documents, records, properties and matters of any person whose affairs are being investigated under this Act. <sup>Appointment of experts</sup>

Evidence by witness (7) The investigator may, in the prescribed form, command the attendance before him of any person as a witness and subsections 2 to 6 of section 9 and section 11 apply to the investigator and witness in the same manner as to the Tribunal and witnesses before it. 1964, c. 121, s. 11; 1967, c. 104, s. 5 (1), *amended*.

Confidentiality (8) No person, without the consent of the Minister, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under this section or the name of any witness examined or sought to be examined in such investigation. 1964, c. 121, s. 13, *amended*.

Report **26.** Where, upon the report of an investigation made under subsection 1 of section 25, it appears to the Director that a person may have,

(a) contravened any of the provisions of this Act or the regulations; or

1953-54, c. 51 (Can.) (b) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister. 1964, c. 7, s. 9, *part, amended*.

Order to refrain from dealing with assets **27.—**(1) The Director may,

(a) after an investigation of any person has been ordered under section 25; or

(b) where criminal proceedings or proceedings in respect of a contravention of any Act or regulation are about to be or have been instituted against a person that in the opinion of the Director are connected with or arise out of the business in respect of which such person is registered or required to be registered,

in writing or by telegram, direct any person having on deposit or under control or for safe-keeping any assets or trust funds of the person referred to in clause *a* or *b*, to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any other person having any of them on deposit, under control or for safe-keeping or to hold such assets or



trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes such direction or consents to release any particular asset or trust fund from the direction, but, in the case of a bank, loan or trust company, the direction only applies to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,  
cc. 14, 296  
R.S.O. 1960,  
cc. 197, 71

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

Bond  
in lieu

(a) a personal bond accompanied by collateral security;

(b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or

R.S.O. 1960,  
c. 168

(c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

in such form, terms and amount as the Director determines.

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just. 1964, c. 121, s. 14.

Applica-  
tion for  
direction

(4) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice. *New*.

Notice to  
registrar  
of deeds,  
etc.

**28.**—(1) Every used car dealer shall, within five days after the event, notify the Registrar in writing of,

Notice of  
changes

(a) any change in his address for service;

(b) any change in the officers in the case of a corporation or of the members in the case of a partnership;

(c) any commencement or termination of the employment, appointment or authorization of a salesman;



(d) in the case of a corporation, any change in the ownership of its shares. 1964, c. 121, s. 9 (2); 1967, c. 104, s. 4, *amended*.

Idem

(2) Every used car salesman shall, within five days after the event, notify the Registrar in writing of,

(a) any change in his address for service; and

(b) any commencement or termination of his employment. 1964, c. 121, s. 9 (3), *amended*.

Financial statements

**29.** Every used car dealer shall, when required by the Registrar with the approval of the Director, file a financial statement showing the matters specified by the Registrar and signed by the used car dealer and certified by a person licensed under *The Public Accountancy Act*. *New*.

R.S.O. 1960, c. 317

False advertising

**30.** Where, in the opinion of the Registrar, a used car dealer is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 7 to 19 apply to the order in the same manner as to a decision of the Registrar refusing registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. 1965, c. 139, s. 1, *amended*.

Service

**31.**—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department. 1964, c. 121, s. 8, *amended*.

Idem

(2) Where service is made by registered mail the service shall be deemed to be made on the third day after the day of mailing.

Exception

(3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal. *New*.

Restraining orders

**32.**—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing

such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

(2) An appeal lies to the Court of Appeal from an order made under subsection 1. *New.* Appeal

**33.**—(1) Every person who, knowingly,

Offences

- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. Corporations

(3) No proceedings under this section shall be instituted except with the consent of the Minister. Consent of Minister

(4) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director. Limitation

(5) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose. 1964, c. 121, s. 19; 1967, c. 104, s. 9, *amended*. Idem

**34.** A statement as to,

Certificate  
as evidence

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;

- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. 1964, c. 121, s. 20.

Regulations **35.** The Lieutenant Governor in Council may make regulations,

- (a) exempting any class of person from this Act or the regulations or any provision thereof;
- (b) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;
- (c) requiring the payment of fees on application for registration or renewal of registration, and prescribing the amounts thereof;
- (d) requiring registered used car dealers or any class thereof to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (e) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (f) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof;
- (g) requiring and governing the maintenance of trust accounts by used car dealers or any class thereof, and prescribing the moneys that shall be held in trust and the terms and conditions therefor;
- (h) requiring and governing the books, accounts and records that shall be kept by used car dealers;

- (i) requiring used car dealers and salesmen to make returns and furnish information to the Registrar;
- (j) prescribing the information that used car dealers and salesmen shall disclose respecting the history of any class or classes of used cars;
- (k) prohibiting prescribed alterations of used cars or any part thereof and requiring disclosure of prescribed alterations not prohibited;
- (l) governing contracts for the sale and purchase of used cars;
- (m) prescribing forms for the purposes of this Act and providing for their use;
- (n) requiring any information required to be furnished or contained in any form or return to be verified by affidavit. 1964, c. 121, s. 21; 1965, c. 139, s. 2; 1967, c. 104, s. 10, *amended*.

**36.**—(1) *The Used Car Dealers Act, 1964, The Used Car Dealers Amendment Act, 1965 and The Used Car Dealers Amendment Act, 1967* are repealed. 1964, c. 121,  
1965, c. 139,  
1967, c. 104,  
repealed



(2) Notwithstanding subsection 1, the Acts referred to therein continue to apply in respect of any investigation, proceeding or prosecution commenced thereunder before this Act comes into force, except that any certificate required to be given by the Director of the Registration and Examination Branch of the Department under such Acts and given after this Act comes into force shall be given by the Director of the Consumer Protection Division. Unfinished  
proceedings

(3) For the purpose of any prosecution commenced under the Acts referred to in subsection 1 or this Act, any knowledge of the Director of the Registration and Examination Branch of the Department shall be imputed to the Director of the Consumer Protection Division. Director's  
knowledge  
imputed



**37.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

**38.** This Act may be cited as *The Used Car Dealers Act*, Short title 1968-69.







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The Used Car Dealers Act, 1968-69

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*1st Reading*

June 10th, 1969

*2nd Reading*

September 30th, 1969

*3rd Reading*

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MR. ROWNTREE

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(Reprinted as amended by  
the Legal and Municipal Committee)

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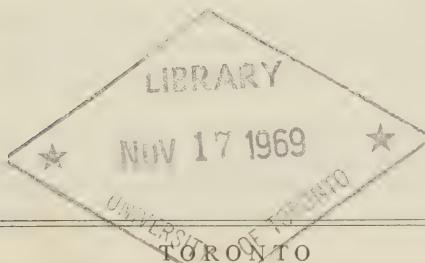
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18 ELIZABETH II, 1968-69

The Used Car Dealers Act, 1968-69

MR. ROWNTREE

*(Reprinted as amended by the Committee of the Whole House)*



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#### EXPLANATORY NOTE

*The Used Car Dealers Act, 1964* is re-enacted for the purpose of revising the registration procedures and vests in The Commercial Registration Appeal Tribunal all hearings concerning registration with appeals to the Court of Appeal.

BILL 180

1968-69

## The Used Car Dealers Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Department" means the Department of Financial and Commercial Affairs;
- (b) "Director" means the Director of the Consumer Protection Division of the Department;
- (c) "Minister" means the Minister of Financial and Commercial Affairs;
- (d) "prescribed" means prescribed by this Act or the regulations;
- (e) "registered" means registered under this Act;
- (f) "Registrar" means the Registrar of Used Car Dealers and Salesmen;
- (g) "regulations" means the regulations made under this Act;
- (h) "salesman" means a person employed, appointed or authorized by a dealer to buy or sell used cars on the dealer's behalf;
- (i) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*; <sup>R.S.O. 1966, c. 41</sup>
- (j) "used car" means a motor vehicle, as defined in *The Highway Traffic Act*, that has been driven for any purpose other than delivery to a dealer and servicing; <sup>R.S.O. 1960, c. 172</sup>



- (k) "used car dealer" means a person who carries on the business of buying or selling used cars, whether for his own account or the account of any other person, or who holds himself out as carrying on the business of buying or selling used cars. 1964, c. 121, s. 1; 1967, c. 104, s. 1 (1), *amended*.

**Registrar**      **2.—**(1) There shall be a Registrar of Used Car Dealers and Salesmen who shall be appointed by the Lieutenant Governor in Council. *New*.

**Duties of Registrar**      (2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director. 1964, c. 121, s. 2, *amended*.

**Registration required**      **3.—**(1) No person shall,

- (a) carry on business as a used car dealer unless he is registered under this Act; or
- (b) act as a salesman of or on behalf of a used car dealer unless he is registered as a salesman of such dealer and such dealer is registered as a used car dealer under this Act.

**Representation**      (2) No person shall publish or cause to be published any representation that he is registered under this Act. 1964, c. 121, s. 3.

**Name and place of business**      (3) A registered used car dealer shall not carry on business in a name other than the name in which it is registered or invite the public to deal at a place other than that authorized by the registration. *New*.

**Dealer to ensure salesmen registered**      **4.** A used car dealer shall not retain the services of a salesman who is not registered under this Act. 1967, c. 104, s. 2.

**Registration**      **5.—**(1) An applicant is entitled to registration or renewal of registration except where,

- (a) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;
- (b) where the applicant is a corporation, its financial responsibility or the record of past conduct of the corporation or its officers or directors is such that it would not be in the public interest for the registration or renewal to be granted;

(c) the applicant is or proposes to be in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions <sup>Conditions of registration</sup> as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. 1964, c. 121, s. 4 (1), *amended*.

**6.**—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a condition of the registration. <sup>Revocation</sup>

(2) Notwithstanding subsection 1, the Registrar may <sup>Voluntary cancellation</sup> cancel a registration upon the request in writing of the registrant in the prescribed form, surrendering his registration. 1964, c. 121, s. 4 (2, 3), *amended*.



**7.**—(1) Where the Registrar refuses to issue or renew a <sup>Hearing by Tribunal</sup> registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

(2) Where the Registrar refuses to renew a registration, <sup>Stay of refusal to renew</sup> the applicant shall be deemed to continue to be registered until an order is made by the Tribunal or until the time for requiring a hearing by the Tribunal expires, whichever occurs first.

(3) The Tribunal shall fix a date for the hearing and <sup>Notice of hearing</sup> shall serve notice of the hearing on the parties at least ten days before the day fixed.

(4) The notice of hearing shall contain, <sup>Idem</sup>

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a reference to the rules of procedure applicable to the hearing;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings. *New*.

- Parties**      **8.**—(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.
- Failure to attend**      (2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence. *New.*
- Adjournment**      **9.**—(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,  
                                  (a) on its own motion; or  
                                  (b) on the motion of any party to the hearing.
- Subpoenas**      (2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.
- Oaths**      (3) The Tribunal may require any person,  
                                  (a) to give evidence on oath at a hearing; and  
                                  (b) to produce such documents and things as the Tribunal requires.
- Objection re self-incrimination**       (4) An applicant or registrant giving evidence under oath before the Tribunal shall be advised of his right to object to answer any question under section 9 of *The Evidence Act* and section 5 of the *Canada Evidence Act*.   
R.S.O. 1960, c. 125  
 R.S.C. 1952, c. 307
- Idem**      (5) The Tribunal may admit evidence not given under oath.
- Offences**      (6) Any person who, without lawful excuse,  
                                  (a) on being duly summoned as a witness before the Tribunal, makes default in attending; or  
                                  (b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or  
                                  (c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,  
     is guilty of an offence punishable under subsection 7.
- Enforcement**      (7) The Tribunal may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who

may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. *New.*

**10.** Any party may be represented before the Tribunal by counsel or agent. *New.* Right of party to counsel

**11.—**(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. Right of witness to counsel

(2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. *New.* Exclusion of counsel

**12.** At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. *New.* Right of parties at hearing

**13.—**(1) All hearings shall be open to the public except where the Tribunal finds that, Hearings to be open to public; exceptions

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.

(2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions. *New.* Idem

**14.** Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. *New.* Release of exhibits

**15.—**(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence. Specialized knowledge

(2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information. Notice



Contents  
and service  
of notice

(3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. *New.*

Record

**16.** All oral evidence received by the Tribunal shall be taken down in writing and together with,

- (a) the notice of hearing;
- (b) any rulings or orders made in the course of the proceedings of the Tribunal;
- (c) any written submissions received by the Tribunal; and
- (d) the decision and the reasons therefor,

form the record. *New.*

Decision of  
Tribunal

**17.—**(1) The Tribunal may, after the hearing,

- (a) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;
- (b) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

Decision  
to be in  
writing

(2) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Contents of  
reasons for  
decision

(3) The reasons for the final decision shall contain,

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of facts; and
- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.



(4) The Tribunal shall cause to be served on the parties <sup>Notice of decision</sup> a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal. *New.*

**18.** A certified copy of the final decision of the Tribunal, <sup>Enforcement of decisions</sup> exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such. *New.*

**19.**—(1) Any party to the hearing before the Tribunal <sup>Appeal to Court of Appeal</sup> may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

(2) The Minister may designate counsel to assist the court <sup>Counsel</sup> upon the hearing of an appeal under this section.

(3) An appeal under this section may be made on questions <sup>Decision of court</sup> of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

(4) The decision of the Court of Appeal is final. *New.* <sup>Idem</sup>

**20.** An order of the Tribunal refusing to renew or suspend- <sup>Stay</sup> ing or revoking a registration shall take effect immediately but the Tribunal may grant a stay until the order becomes final. *New.*

**21.** A further application for registration may be made <sup>Further applications</sup> upon new or other evidence or where it is clear that material circumstances have changed. 1964, c. 121, s. 17 (6), *part, amended.*

**22.**—(1) Where the Registrar receives a complaint in <sup>Investigation of complaints</sup> respect of a used car dealer and so requests in writing, the used car dealer shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

(2) The request under subsection 1 shall indicate the <sup>Idem</sup> nature of the inquiry involved.

Idem

(3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time enter upon the business premises of the used car dealer to make an inspection in relation to the complaint. 1964, c. 121, s. 10, *amended*.

Inspection

**23.**—(1) The Registrar or any person designated by him in writing, may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts are being complied with.

Idem

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a used car dealer or salesman while unregistered, the Registrar or any person designated by him in writing, may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3. *New*.

Powers on inspection

**24.**—(1) Upon an inspection under section 22 or 23, the person inspecting,

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility of copies

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original. *New*.

Investigations

**25.**—(1) Where, upon a statement made under oath, it appears probable to the Director that any person has,

- (a) contravened any of the provisions of this Act or the regulations; or

- (b) committed an offence, under the *Criminal Code*<sup>1953-54, c. 51 (Can.)</sup> (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulations or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

(2) Notwithstanding subsection 1, the Minister may by order appoint one or more persons to make an investigation into any matter to which this Act applies and the person appointed shall report the result of his investigation to the Minister.

(3) For the purpose of any investigation ordered under this section, any person appointed to make the investigation may at any reasonable time enter upon the business premises and may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or in connection with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the investigation.

(4) Any person making an investigation under this section may, upon giving a receipt therefor, remove any document or record relating to the person whose affairs are being investigated and that relate to the subject-matter of the investigation, for the purpose of making a copy of such document or record, provided that such copying is carried out with reasonable dispatch and the document or record in question is promptly thereafter returned to the person whose affairs are being investigated.

(5) Any copy made as provided in subsection 4 and purporting to be certified by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original document or record.

(6) The Minister or Director may appoint any expert to examine documents, records, properties and matters of any person whose affairs are being investigated under this Act.

Evidence by  
witness

(7) The investigator may, in the prescribed form, command the attendance before him of any person as a witness and subsections 2 to 6 of section 9 and section 11 apply to the investigator and witness in the same manner as to the Tribunal and witnesses before it. 1964, c. 121, s. 11; 1967, c. 104, s. 5 (1), *amended*.

Confiden-  
tiality

(8) No person, without the consent of the Minister, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under this section or the name of any witness examined or sought to be examined in such investigation. 1964, c. 121, s. 13, *amended*.

Report

**26.** Where, upon the report of an investigation made under subsection 1 of section 25, it appears to the Director that a person may have,

(a) contravened any of the provisions of this Act or the regulations; or

1953-54,  
c. 51 (Can.)

(b) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister. 1964, c. 7, s. 9, *part, amended*.

Order to  
refrain from  
dealing with  
assets

**27.—**(1) The Director may,

(a) after an investigation of any person has been ordered under section 25; or

(b) where criminal proceedings or proceedings in respect of a contravention of any Act or regulation are about to be or have been instituted against a person that in the opinion of the Director are connected with or arise out of the business in respect of which such person is registered or required to be registered,

in writing or by telegram, direct any person having on deposit or under control or for safe-keeping any assets or trust funds of the person referred to in clause *a* or *b*, to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any other person having any of them on deposit, under control or for safe-keeping or to hold such assets or



trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* R.S.C. 1952, cc. 14, 296 (Canada), *The Judicature Act*, *The Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes such direction or consents to release any particular asset or trust fund from the direction, but, in the case of a bank, loan or trust company, the direction only applies to the offices, branches or agencies thereof named in the direction. R.S.O. 1960, cc. 197, 71

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director, Bond in lieu

(a) a personal bond accompanied by collateral security;

(b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or R.S.O. 1960, c. 168

(c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

in such form, terms and amount as the Director determines.

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just. 1964, c. 121, s. 14. Application for direction

(4) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice. *New.* Notice to registrar of deeds, etc.

**28.**—(1) Every used car dealer shall, within five days after the event, notify the Registrar in writing of, Notice of changes

(a) any change in his address for service;

(b) any change in the officers in the case of a corporation or of the members in the case of a partnership;

(c) any commencement or termination of the employment, appointment or authorization of a salesman;



(d) in the case of a corporation, any change in the ownership of its shares. 1964, c. 121, s. 9 (2); 1967, c. 104, s. 4, *amended*.

*Idem*

(2) Every used car salesman shall, within five days after the event, notify the Registrar in writing of,

(a) any change in his address for service; and

(b) any commencement or termination of his employment. 1964, c. 121, s. 9 (3), *amended*.

Financial statements

**29.**—(1) Every used car dealer shall, when required by the Registrar with the approval of the Director, file a financial statement showing the matters specified by the Registrar and signed by the used car dealer and certified by a person licensed under *The Public Accountancy Act*. *New*.

R.S.O. 1960, c. 317

Statement confidential

(2) The information contained in a financial statement filed under subsection 1 is confidential and no person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of the financial statement.

False advertising

**30.** Where, in the opinion of the Registrar, a used car dealer is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 7 to 19 apply to the order in the same manner as to a decision of the Registrar refusing registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. 1965, c. 139, s. 1, *amended*.

Service

**31.**—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department. 1964, c. 121, s. 8, *amended*.

*Idem*

(2) Where service is made by registered mail the service shall be deemed to be made on the third day after the day of mailing.

Exception

(3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal. *New*.

Restraining orders

**32.**—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the

imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

(2) An appeal lies to the Court of Appeal from an order<sup>Appeal</sup> made under subsection 1. *New.*

**33.**—(1) Every person who, knowingly,<sup>Offences</sup>

- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under<sup>Corporations</sup> subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

(3) No proceedings under this section shall be instituted<sup>Consent of Minister</sup> except with the consent of the Minister.

(4) No proceeding under clause *a* of subsection 1 shall be<sup>Limitation</sup> commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

(5) No proceeding under clause *b* or *c* of subsection 1<sup>Idem</sup> shall be commenced more than two years after the time when the subject-matter of the proceeding arose. 1964, c. 121, s. 19; 1967, c. 104, s. 9, *amended*.

**34.** A statement as to,<sup>Certificate as evidence</sup>

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;

- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. 1964, c. 121, s. 20.

**Regulations**     **35.** The Lieutenant Governor in Council may make regulations,

- (a) exempting any class of person from this Act or the regulations or any provision thereof;
- (b) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;
- (c) requiring the payment of fees on application for registration or renewal of registration, and prescribing the amounts thereof;
- (d) requiring registered used car dealers or any class thereof to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (e) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (f) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof;
- (g) requiring and governing the maintenance of trust accounts by used car dealers or any class thereof, and prescribing the moneys that shall be held in trust and the terms and conditions therefor;
- (h) requiring and governing the books, accounts and records that shall be kept by used car dealers;

- (i) requiring used car dealers and salesmen to make returns and furnish information to the Registrar;
- (j) prescribing the information that used car dealers and salesmen shall disclose respecting the history of any class or classes of used cars;
- (k) prohibiting prescribed alterations of used cars or any part thereof and requiring disclosure of prescribed alterations not prohibited;
- (l) governing contracts for the sale and purchase of used cars;
- (m) prescribing forms for the purposes of this Act and providing for their use;
- (n) requiring any information required to be furnished or contained in any form or return to be verified by affidavit. 1964, c. 121, s. 21; 1965, c. 139, s. 2; 1967, c. 104, s. 10, *amended*.

**36.**—(1) *The Used Car Dealers Act, 1964, The Used Car Dealers Amendment Act, 1965 and The Used Car Dealers Amendment Act, 1967* are repealed. 1964, c. 121,  
1965, c. 139,  
1967, c. 104,  
repealed

(2) Notwithstanding subsection 1, the Acts referred to therein continue to apply in respect of any investigation, proceeding or prosecution commenced thereunder before this Act comes into force, except that any certificate required to be given by the Director of the Registration and Examination Branch of the Department under such Acts and given after this Act comes into force shall be given by the Director of the Consumer Protection Division. Unfinished  
proceedings

(3) For the purpose of any prosecution commenced under the Acts referred to in subsection 1 or this Act, any knowledge of the Director of the Registration and Examination Branch of the Department shall be imputed to the Director of the Consumer Protection Division. Director's  
knowledge  
imputed

**37.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

**38.** This Act may be cited as *The Used Car Dealers Act, 1968-69*. Short title







The Used Car Dealers Act, 1968-69

*1st Reading*

June 10th, 1969

*2nd Reading*

September 30th, 1969

*3rd Reading*

MR. ROWNTREE

*(Reprinted as amended by  
the Committee of the Whole House)*

**BILL 180**

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**The Used Car Dealers Act, 1968-69**

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MR. ROWNTREE

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### The Used Car Dealers Act, 1968-69

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Department" means the Department of Financial and Commercial Affairs;
- (b) "Director" means the Director of the Consumer Protection Division of the Department;
- (c) "Minister" means the Minister of Financial and Commercial Affairs;
- (d) "prescribed" means prescribed by this Act or the regulations;
- (e) "registered" means registered under this Act;
- (f) "Registrar" means the Registrar of Used Car Dealers and Salesmen;
- (g) "regulations" means the regulations made under this Act;
- (h) "salesman" means a person employed, appointed or authorized by a dealer to buy or sell used cars on the dealer's behalf;
- (i) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*, c. 41<sup>1966, c. 41</sup>;
- (j) "used car" means a motor vehicle, as defined in *The Highway Traffic Act*, that has been driven for any purpose other than delivery to a dealer and servicing;<sup>R.S.O. 1960, c. 172</sup>



- (k) "used car dealer" means a person who carries on the business of buying or selling used cars, whether for his own account or the account of any other person, or who holds himself out as carrying on the business of buying or selling used cars. 1964, c. 121, s. 1; 1967, c. 104, s. 1 (1), *amended*.

Registrar

**2.**—(1) There shall be a Registrar of Used Car Dealers and Salesmen who shall be appointed by the Lieutenant Governor in Council. *New*.

Duties of Registrar

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director. 1964, c. 121, s. 2, *amended*.

Registration required

**3.**—(1) No person shall,

- (a) carry on business as a used car dealer unless he is registered under this Act; or
- (b) act as a salesman of or on behalf of a used car dealer unless he is registered as a salesman of such dealer and such dealer is registered as a used car dealer under this Act.

Representation

(2) No person shall publish or cause to be published any representation that he is registered under this Act. 1964, c. 121, s. 3.

Name and place of business

(3) A registered used car dealer shall not carry on business in a name other than the name in which it is registered or invite the public to deal at a place other than that authorized by the registration. *New*.

Dealer to ensure salesmen registered

**4.** A used car dealer shall not retain the services of a salesman who is not registered under this Act. 1967, c. 104, s. 2.

Registration

**5.**—(1) An applicant is entitled to registration or renewal of registration except where,

- (a) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;
- (b) where the applicant is a corporation, its financial responsibility or the record of past conduct of the corporation or its officers or directors is such that it would not be in the public interest for the registration or renewal to be granted;

- (c) the applicant is or proposes to be in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions <sup>Conditions of</sup> as are consented to by the applicant, imposed by the Tribunal <sup>registration</sup> or prescribed by the regulations. 1964, c. 121, s. 4 (1), *amended*.

**6.**—(1) The Tribunal may, upon the application of the <sup>Revocation</sup> Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a condition of the registration.

(2) Notwithstanding subsection 1, the Registrar may <sup>Voluntary</sup> cancel a registration upon the request in writing of the registrant in the prescribed form, surrendering his registration. 1964, c. 121, s. 4 (2, 3), *amended*.

**7.**—(1) Where the Registrar refuses to issue or renew a <sup>Hearing by</sup> registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

(2) Where the Registrar refuses to renew a registration, <sup>Stay of</sup> the applicant shall be deemed to continue to be registered <sup>refusal to</sup> until an order is made by the Tribunal or until the time for <sup>renew</sup> requiring a hearing by the Tribunal expires, whichever occurs first.

(3) The Tribunal shall fix a date for the hearing and <sup>Notice of</sup> shall serve notice of the hearing on the parties at least ten <sup>hearing</sup> days before the day fixed.

(4) The notice of hearing shall contain, Idem

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a reference to the rules of procedure applicable to the hearing;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings. *New.*

Parties	<b>8.</b> —(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.
Failure to attend	(2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence. <i>New.</i>
Adjournment	<b>9.</b> —(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds, (a) on its own motion; or (b) on the motion of any party to the hearing.
Subpoenas	(2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.
Oaths	(3) The Tribunal may require any person, (a) to give evidence on oath at a hearing; and (b) to produce such documents and things as the Tribunal requires.
Objection re self-incrimination R.S.O. 1960, c. 125 R.S.C. 1952, c. 307	(4) An applicant or registrant giving evidence under oath before the Tribunal shall be advised of his right to object to answer any question under section 9 of <i>The Evidence Act</i> and section 5 of the <i>Canada Evidence Act</i> .
Idem	(5) The Tribunal may admit evidence not given under oath.
Offences	(6) Any person who, without lawful excuse, (a) on being duly summoned as a witness before the Tribunal, makes default in attending; or (b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or (c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court, is guilty of an offence punishable under subsection 7.
Enforcement	(7) The Tribunal may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who

may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. *New.*

**10.** Any party may be represented before the Tribunal by counsel or agent. *New.* Right of party to counsel

**11.**—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. Right of witness to counsel

(2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. *New.* Exclusion of counsel

**12.** At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. *New.* Right of parties at hearing

**13.**—(1) All hearings shall be open to the public except where the Tribunal finds that, Hearings to be open to public; exceptions

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.

(2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions. *New.* Idem

**14.** Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. *New.* Release of exhibits

**15.**—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence. Specialized knowledge

(2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information. Notice



Contents  
and service  
of notice

(3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. *New.*

Record

**16.** All oral evidence received by the Tribunal shall be taken down in writing and together with,

- (a) the notice of hearing;
- (b) any rulings or orders made in the course of the proceedings of the Tribunal;
- (c) any written submissions received by the Tribunal; and
- (d) the decision and the reasons therefor,

form the record. *New.*

Decision of  
Tribunal

**17.—**(1) The Tribunal may, after the hearing,

- (a) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;
- (b) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

Decision  
to be in  
writing

(2) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Contents of  
reasons for  
decision

(3) The reasons for the final decision shall contain,

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of facts; and
- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.



(4) The Tribunal shall cause to be served on the parties <sup>Notice of decision</sup> a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal. *New.*

**18.** A certified copy of the final decision of the Tribunal, <sup>Enforcement of decisions</sup> exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such. *New.*

**19.—**(1) Any party to the hearing before the Tribunal <sup>Appeal to Court of Appeal</sup> may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

(2) The Minister may designate counsel to assist the court <sup>Counsel</sup> upon the hearing of an appeal under this section.

(3) An appeal under this section may be made on questions <sup>Decision of court</sup> of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

(4) The decision of the Court of Appeal is final. *New.* <sup>Idem</sup>

**20.** An order of the Tribunal refusing to renew or suspend-<sup>Stay</sup> ing or revoking a registration shall take effect immediately but the Tribunal may grant a stay until the order becomes final. *New.*

**21.** A further application for registration may be made <sup>Further applications</sup> upon new or other evidence or where it is clear that material circumstances have changed. 1964, c. 121, s. 17 (6), *part, amended.*

**22.—**(1) Where the Registrar receives a complaint in <sup>Investigation of complaints</sup> respect of a used car dealer and so requests in writing, the used car dealer shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

(2) The request under subsection 1 shall indicate the <sup>Idem</sup> nature of the inquiry involved.

Idem

(3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time enter upon the business premises of the used car dealer to make an inspection in relation to the complaint. 1964, c. 121, s. 10, *amended*.

Inspection

**23.**—(1) The Registrar or any person designated by him in writing, may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts are being complied with.

Idem

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a used car dealer or salesman while unregistered, the Registrar or any person designated by him in writing, may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3. *New*.

Powers on inspection

**24.**—(1) Upon an inspection under section 22 or 23, the person inspecting,

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility of copies

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original. *New*.

Investigations

**25.**—(1) Where, upon a statement made under oath, it appears probable to the Director that any person has,

- (a) contravened any of the provisions of this Act or the regulations; or

- (b) committed an offence, under the *Criminal Code*<sup>1953-54, c. 51 (Can.)</sup> (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulations or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

(2) Notwithstanding subsection 1, the Minister may by order appoint one or more persons to make an investigation into any matter to which this Act applies and the person appointed shall report the result of his investigation to the Minister.

(3) For the purpose of any investigation ordered under this section, any person appointed to make the investigation may at any reasonable time enter upon the business premises and may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or in connection with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the investigation.

(4) Any person making an investigation under this section may, upon giving a receipt therefor, remove any document or record relating to the person whose affairs are being investigated and that relate to the subject-matter of the investigation, for the purpose of making a copy of such document or record, provided that such copying is carried out with reasonable dispatch and the document or record in question is promptly thereafter returned to the person whose affairs are being investigated.

(5) Any copy made as provided in subsection 4 and purporting to be certified by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original document or record.

(6) The Minister or Director may appoint any expert to examine documents, records, properties and matters of any person whose affairs are being investigated under this Act.



Evidence by  
witness

(7) The investigator may, in the prescribed form, command the attendance before him of any person as a witness and subsections 2 to 6 of section 9 and section 11 apply to the investigator and witness in the same manner as to the Tribunal and witnesses before it. 1964, c. 121, s. 11; 1967, c. 104, s. 5 (1), *amended*.

Confiden-  
tiality

(8) No person, without the consent of the Minister, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under this section or the name of any witness examined or sought to be examined in such investigation. 1964, c. 121, s. 13, *amended*.

Report


**26.** Where, upon the report of an investigation made under subsection 1 of section 25, it appears to the Director that a person may have,

(a) contravened any of the provisions of this Act or the regulations; or

1953-54,  
c. 51 (Can.)

(b) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister. 1964, c. 7, s. 9, *part, amended*.

Order to  4  
refrain from  
dealing with  
assets

**27.—**(1) The Director may,

(a) after an investigation of any person has been ordered under section 25; or

(b) where criminal proceedings or proceedings in respect of a contravention of any Act or regulation are about to be or have been instituted against a person that in the opinion of the Director are connected with or arise out of the business in respect of which such person is registered or required to be registered,

in writing or by telegram, direct any person having on deposit or under control or for safe-keeping any assets or trust funds of the person referred to in clause *a* or *b*, to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any other person having any of them on deposit, under control or for safe-keeping or to hold such assets or

trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* R.S.C. 1952, cc. 14, 296 (Canada), *The Judicature Act*, *The Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes such direction or consents to release any particular asset or trust fund from the direction, but, in the case of a bank, loan or trust company, the direction only applies to the offices, branches or agencies thereof named in the direction. R.S.O. 1960, cc. 197, 71

(2) Subsection 1 does not apply where the person referred Bond in lieu to in clause *a* or *b* of subsection 1 files with the Director,

(a) a personal bond accompanied by collateral security;

(b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or R.S.O. 1960, c. 168

(c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

in such form, terms and amount as the Director determines.

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just. 1964, c. 121, s. 14. Application for direction

(4) In any of the circumstances mentioned in clause *a* Notice to registrar of deeds, etc. or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice. *New.*

**28.**—(1) Every used car dealer shall, within five days Notice of changes after the event, notify the Registrar in writing of,

(a) any change in his address for service;

(b) any change in the officers in the case of a corporation or of the members in the case of a partnership;

(c) any commencement or termination of the employment, appointment or authorization of a salesman;



(d) in the case of a corporation, any change in the ownership of its shares. 1964, c. 121, s. 9 (2); 1967, c. 104, s. 4, *amended*.

Idem

(2) Every used car salesman shall, within five days after the event, notify the Registrar in writing of,

(a) any change in his address for service; and

(b) any commencement or termination of his employment. 1964, c. 121, s. 9 (3), *amended*.

Financial statements

**29.**—(1) Every used car dealer shall, when required by the Registrar with the approval of the Director, file a financial statement showing the matters specified by the Registrar and signed by the used car dealer and certified by a person licensed under *The Public Accountancy Act*. *New*.

R.S.O. 1960, c. 317

Statement confidential

(2) The information contained in a financial statement filed under subsection 1 is confidential and no person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of the financial statement.

False advertising

**30.** Where, in the opinion of the Registrar, a used car dealer is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 7 to 19 apply to the order in the same manner as to a decision of the Registrar refusing registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. 1965, c. 139, s. 1, *amended*.

Service

**31.**—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department. 1964, c. 121, s. 8, *amended*.

Idem

(2) Where service is made by registered mail the service shall be deemed to be made on the third day after the day of mailing.

Exception

(3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal. *New*.

Restraining orders

**32.**—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the

imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

(2) An appeal lies to the Court of Appeal from an order<sup>Appeal</sup> made under subsection 1. *New.*

**33.**—(1) Every person who, knowingly,<sup>Offences</sup>

- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under<sup>Corpora-</sup> subsection 1, the maximum penalty that may be imposed<sup>tions</sup> upon the corporation is \$25,000 and not as provided therein.

(3) No proceedings under this section shall be instituted<sup>Consent of</sup> except with the consent of the Minister.<sup>Minister</sup>

(4) No proceeding under clause *a* of subsection 1 shall be<sup>Limitation</sup> commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

(5) No proceeding under clause *b* or *c* of subsection 1<sup>Idem</sup> shall be commenced more than two years after the time when the subject-matter of the proceeding arose. 1964, c. 121, s. 19; 1967, c. 104, s. 9, *amended*.

**34.** A statement as to,<sup>Certificate as evidence</sup>

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;

- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. 1964, c. 121, s. 20.

Regulations **35.** The Lieutenant Governor in Council may make regulations,

- (a) exempting any class of person from this Act or the regulations or any provision thereof;
- (b) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;
- (c) requiring the payment of fees on application for registration or renewal of registration, and prescribing the amounts thereof;
- (d) requiring registered used car dealers or any class thereof to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (e) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (f) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof;
- (g) requiring and governing the maintenance of trust accounts by used car dealers or any class thereof, and prescribing the moneys that shall be held in trust and the terms and conditions therefor;
- (h) requiring and governing the books, accounts and records that shall be kept by used car dealers;

- (i) requiring used car dealers and salesmen to make returns and furnish information to the Registrar;
- (j) prescribing the information that used car dealers and salesmen shall disclose respecting the history of any class or classes of used cars;
- (k) prohibiting prescribed alterations of used cars or any part thereof and requiring disclosure of prescribed alterations not prohibited;
- (l) governing contracts for the sale and purchase of used cars;
- (m) prescribing forms for the purposes of this Act and providing for their use;
- (n) requiring any information required to be furnished or contained in any form or return to be verified by affidavit. 1964, c. 121, s. 21; 1965, c. 139, s. 2; 1967, c. 104, s. 10, *amended*.

**36.**—(1) *The Used Car Dealers Act, 1964, The Used Car Dealers Amendment Act, 1965 and The Used Car Dealers Amendment Act, 1967* are repealed. 1964, c. 121,  
1965, c. 139,  
1967, c. 104,  
repealed

(2) Notwithstanding subsection 1, the Acts referred to therein continue to apply in respect of any investigation, proceeding or prosecution commenced thereunder before this Act comes into force, except that any certificate required to be given by the Director of the Registration and Examination Branch of the Department under such Acts and given after this Act comes into force shall be given by the Director of the Consumer Protection Division. Unfinished  
proceedings

(3) For the purpose of any prosecution commenced under the Acts referred to in subsection 1 or this Act, any knowledge of the Director of the Registration and Examination Branch of the Department shall be imputed to the Director of the Consumer Protection Division. Director's  
knowledge  
imputed

**37.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

**38.** This Act may be cited as *The Used Car Dealers Act*, Short title  
1968-69.







The Used Car Dealers Act, 1968-69

*1st Reading*

June 10th, 1969

*2nd Reading*

September 30th, 1969

*3rd Reading*

October 31st, 1969

MR. ROWNTREE

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Publications

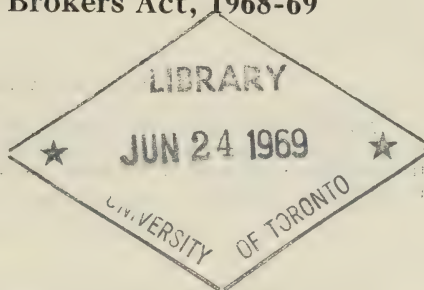
**BILL 181**

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**The Mortgage Brokers Act, 1968-69**



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MR. ROWNTREE

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#### EXPLANATORY NOTE

*The Mortgage Brokers Registration Act* is re-enacted for the purpose of revising the registration procedures and vests in The Commercial Registration Appeal Tribunal all hearings concerning registration with appeals to the Court of Appeal.

BILL 181

1968-69

## The Mortgage Brokers Act, 1968-69

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Department" means the Department of Financial and Commercial Affairs;
- (b) "Director" means the Director of the Consumer Protection Division of the Department;
- (c) "Minister" means the Minister of Financial and Commercial Affairs;
- (d) "mortgage" has the same meaning as in *The Mortgage Act*; R.S.O. 1960,  
c. 245
- (e) "mortgage broker" means a person who carries on the business of lending money on the security of real estate, whether the money is his own or that of another person, or who holds himself out as or who by an advertisement, notice or sign indicates that he is a mortgage broker, or a person who carries on the business of dealing in mortgages;
- (f) "prescribed" means prescribed by this Act or the regulations;
- (g) "registered" means registered under this Act;
- (h) "Registrar" means the Registrar of Mortgage Brokers;
- (i) "regulations" means the regulations made under this Act;



- 1966, c. 41 (j) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*. R.S.O. 1960, c. 244, s. 1; 1964, c. 63, s. 1, *amended*.

Exemptions **2.** This Act does not apply to,

- R.S.O. 1960, cc. 190, 194 (a) corporations registered under *The Insurance Act* or *The Investment Contracts Act*;
- R.S.O. 1960, cc. 222, 344 (b) corporations registered under *The Loan and Trust Corporations Act* that are not also registered under *The Real Estate and Business Brokers Act*;
- 1966-67, c. 87 (Can.) (c) banks under the *Bank Act* (Canada);
- (d) credit unions;
- (e) non-resident insurance companies loaning on the security of first mortgages or acquiring first mortgages of Ontario real estate by virtue of a licence in mortmain or under section 347 of *The Corporations Act*;
- R.S.O. 1960, c. 71 (f) an employee of a party to a mortgage transaction when the employee is acting for or on behalf of his employer. R.S.O. 1960, c. 244, s. 14; 1964, c. 63, s. 8, *amended*.

Registrar **3.**—(1) There shall be a Registrar of Mortgage Brokers who shall be appointed by the Lieutenant Governor in Council. *New*.

Duties of Registrar (2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director. R.S.O. 1960, c. 244, s. 2, *amended*.

Registration required **4.**—(1) No person shall carry on business as a mortgage broker unless he is registered by the Registrar under this Act.

Name and place of business (2) A registered mortgage broker shall not carry on business in a name other than the name in which he is registered or invite the public to deal at a place other than that authorized by the registration.

Publication of registration (3) No person shall publish or cause to be published in writing any representation that he is registered under this Act. 1964, c. 63, s. 3, *part, amended*.

(4) Every person who is registered as a real estate broker under *The Real Estate and Business Brokers Act* shall, so long as he is so registered, be deemed to be registered as a mortgage broker under this Act. 1961-62, c. 82, s. 1. Registered  
real estate  
brokers  
R.S.O. 1960,  
c. 344

**5.**—(1) An applicant is entitled to registration or renewal of registration except where, Registration  
of mortgage  
brokers

- (a) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;
- (b) where the applicant is a corporation, its financial responsibility or the record of past conduct of the corporation or its officers or directors is such that it would not be in the public interest for the registration or renewal to be granted;
- (c) the applicant is or proposes to be in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. 1964, c. 63, s. 3, *part, amended*. Conditions  
of registra-  
tion

**6.**—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a condition of the registration. 1964, c. 63, s. 3, *part, amended*. Revocation

(2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration. *New*. Voluntary  
cancellation

**7.**—(1) Where the Registrar refuses to issue or renew a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal. Hearing by  
Tribunal

(2) The Tribunal shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed. Notice of  
hearing

- Idem* (3) The notice of hearing shall contain,
- (a) a statement of the time and place of the hearing;
  - (b) a statement of the statutory power under which the hearing is being held;
  - (c) a reference to the rules of procedure applicable to the hearing;
  - (d) a concise statement of the issues; and
  - (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings. *New.*
- Parties* **8.**—(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.
- Failure to attend* (2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence. *New.*
- Adjournment* **9.**—(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,
- (a) on its own motion; or
  - (b) on the motion of any party to the hearing.
- Subpoenas* (2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.
- Oaths* (3) The Tribunal may require any person,
- (a) to give evidence on oath at a hearing; and
  - (b) to produce such documents and things as the Tribunal requires.
- Idem* (4) The Tribunal may admit evidence not given under oath.
- Offences* (5) Any person who, without lawful excuse,
- (a) on being duly summoned as a witness before the Tribunal, makes default in attending; or
  - (b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or

thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer;

- (c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 6.

(6) The Tribunal may certify an offence under subsection 5 <sup>Enforcement</sup> to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. *New.*

**10.** Any party may be represented before the Tribunal by <sup>Right of party of counsel</sup> counsel or agent. *New.*

**11.**—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or <sup>Right of witness to counsel</sup> agent may only advise the witness and state objections under the provisions of the relevant law.

(2) Where a hearing is *in camera*, a counsel or agent for <sup>Exclusion of counsel</sup> a witness shall be excluded except when that witness is giving evidence. *New.*

**12.** At a hearing before the Tribunal, any party may call <sup>Right of parties at hearing</sup> and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. *New.*

**13.**—(1) All hearings shall be open to the public except <sup>Hearings to be open to public; exceptions</sup> where the Tribunal finds that,

- (a) public security may be involved; or
- (b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.

(2) Notwithstanding the exceptions mentioned in clauses <sup>Idem</sup> a and b of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions. *New.*



Release of  
exhibits

**14.** Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. *New.*

Specialized  
knowledge

**15.—(1)** The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence.

Notice

(2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information.

Contents  
and service  
of notice

(3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. *New.*

Record

**16.** All oral evidence received by the Tribunal shall be taken down in writing and together with,

- (a) the notice of hearing;
- (b) any rulings or orders made in the course of the proceedings of the Tribunal;
- (c) any written submissions received by the Tribunal;  
and
- (d) the decision and the reasons therefor,

form the record. *New.*

Decision of  
Tribunal

**17.—(1)** The Tribunal may, after the hearing,

- (a) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;
- (b) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.



(2) The final decision of the Tribunal, including the reasons therefor, shall be in writing. Decision to be in writing

(3) The reasons for the final decision shall contain, Contents of reasons for decision

(a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(b) any agreed findings of facts; and

(c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

(4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal. *New.* Notice of decision

**18.** A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such. *New.* Enforcement of decisions

**19.**—(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. Appeal to Court of Appeal

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. Counsel

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. Decision of court

(4) The decision of the Court of Appeal is final. *New.* Idem

**20.** An order of the Tribunal refusing to renew or suspending or revoking a registration shall take effect immediately, but the Tribunal may grant a stay until the order becomes final. *New.* Stay

Further  
applications

**21.** A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. 1964, c. 63, s. 3, *part, amended*.

Investiga-  
tion of  
complaints

**22.**—(1) Where the Registrar receives a complaint in respect of a mortgage broker and so requests in writing, the mortgage broker shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires. 1964, c. 63, s. 4 (1).

Idem

(2) The request under subsection 1 shall indicate the general nature of the inquiry involved. *New*.

Idem

(3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time enter upon the business premises of the mortgage broker to make an inspection in relation to the complaint. 1964, c. 63, s. 4 (2), *amended*.

Inspection

**23.**—(1) The registrar or any person designated by him in writing, may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts are being complied with.

Idem

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a mortgage broker while unregistered, the Registrar or any person designated by him in writing, may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 4. *New*.

Powers on  
inspection

**24.**—(1) Upon an inspection under section 22 or 23, the person inspecting,

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original. *New.* <sup>Admissibility of copies</sup>

**25.**—(1) Where, upon a statement made under oath, it appears probable to the Director that any person has, <sup>Investigations</sup>

- (a) contravened any of the provisions of this Act or the regulations;
- (b) committed an offence, under the *Criminal Code* <sup>1953-54, c. 51 (Can.)</sup> (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act;
- (c) by any false, misleading or deceptive statement or advertisement, representation or promise, or by any dishonest concealment of material facts, induced or attempted to induce any person to borrow money or to be responsible for the repayment thereof or to agree to the terms of any transaction with respect to money lent on the security of a mortgage; or
- (d) induced or attempted to induce any person to pay or be responsible for the payment of excessive or exorbitant fees or expenses in connection with a loan on the security of a mortgage,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such contravention, commission or conduct has occurred and shall report the result of his investigation to the Director.

(2) Notwithstanding subsection 1, the Minister may by order appoint one or more persons to make an investigation into any matter relating to the business of lending money on the security of real estate or dealing in mortgages or for the due administration of this Act, and the person appointed shall report the result of his investigation to the Minister. <sup>Investigation by order of Minister</sup>

(3) For the purpose of any investigation ordered under this section, any person appointed to make the investigation may at any reasonable time enter upon the business premises and may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made <sup>Scope of investigation</sup>

and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or in connection with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the investigation.

Removal of  
records

(4) Any person making an investigation under this section may, upon giving a receipt therefor, remove any document or record relating to the person whose affairs are being investigated and that relate to the subject-matter of the investigation, for the purpose of making a copy of such document or record, provided that such copying is carried out with reasonable dispatch and the document or record in question is promptly thereafter returned to the person whose affairs are being investigated.

Admissi-  
bility of  
copies

(5) Any copy made as provided in subsection 4 and purporting to be certified by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original document or record.

Appoint-  
ment of  
experts

(6) The Minister or Director may appoint any expert to examine documents, records, properties and matters of any person whose affairs are being investigated under this Act.

Evidence  
by witness

(7) The investigator may, in the prescribed form, command the attendance before him of any person as a witness and subsections 2 to 6 of section 9 and section 11 apply to the investigator and the witness in the same manner as to the Tribunal and witnesses before it.

Confiden-  
tiality

(8) No person, without the consent of the Minister, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under this section or the name of any witness examined or sought to be examined in such investigation.

Report to  
Minister

(9) Where, upon the report of an investigation made under subsection 1, it appears to the Director that a contravention, a commission of an offence or conduct referred to in subsection 1 has occurred, the Director shall make a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister. 1964, c. 63, s. 5, *part, amended*.



**26.—(1)** The Director may,Order to  
refrain from  
dealing with  
assets

- (a) after an investigation of any person has been ordered under section 25; or
- (b) where criminal proceedings or proceedings in respect of a contravention of any Act or regulation are about to be or have been instituted against a person that in the opinion of the Director are connected with or arise out of the business in respect of which such person is registered or required to be registered,

in writing or by telegram, direct any person having on deposit or under control or for safe-keeping any assets or trust funds of the person referred to in clause *a* or *b*, to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any other person having any of them on deposit, under control or for safe-keeping or to hold such assets or trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes such direction or consents to release any particular asset or trust fund from the direction, but, in the case of a bank, loan or trust company, the direction only applies to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,  
cc. 14, 296  
R.S.O. 1960,  
cc. 197, 71

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

Bond in  
lieu

- (a) a personal bond accompanied by collateral security;
- (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or
- (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

R.S.O. 1960,  
c. 168

in such form, terms and amount as the Director determines.

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just. R.S.O. 1960, c. 244, s. 9; 1964, c. 63, s. 6, *amended*.

Application  
for  
direction



Notice to  
registrar  
of deeds,  
etc.

(4) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice. *New.*

Notice of  
changes

**27.**—(1) Every mortgage broker shall, within five days after the event, notify the Registrar in writing of,

(a) any change in his address for service;

(b) any change in the officers in the case of a corporation or of the members in the case of a partnership.  
1964, c. 63, s. 3, *part, amended.*

Idem

(2) The registrar shall be deemed to be notified under subsection 1 on the day on which he is actually notified or, where the notification is by mail, on the day of mailing.

Financial  
statements

(3) Every mortgage broker shall, when required by the Registrar, file a financial statement showing the matters specified by the Registrar and signed by the mortgage broker and certified by a person licensed under *The Public Accountancy Act*. *New.*

R.S.O. 1960,  
c. 317

False  
advertising

**28.** Where, in the opinion of the Registrar, a mortgage broker is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 7 to 19 apply to the order in the same manner as to a decision of the Registrar refusing registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. 1962-63, c. 85, s. 5, *amended.*

Service

**29.**—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.

Idem

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing. 1964, c. 63, s. 3, *part, amended.*

(3) Notwithstanding subsections 1 and 2, the Tribunal <sup>Exception</sup> may order any other method of service in respect of any matter before the Tribunal. *New.*

**30.**—(1) Where it appears to the Director that any person <sup>Restraining orders</sup> does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

(2) An appeal lies to the Court of Appeal from an order <sup>Appeal</sup> made under subsection 1. *New.*

**31.**—(1) Every person who, <sup>Offences</sup>

(a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;

(b) fails to comply with any order, direction or other requirement made under this Act; or

(c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under <sup>Corporations</sup> subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

(3) No proceedings under this section shall be instituted <sup>Consent of Minister</sup> except with the consent of the Minister.

(4) No proceeding under clause *a* of subsection 1 shall be <sup>Limitation</sup> commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

(5) No proceeding under clause *b* or *c* of subsection 1 shall <sup>Idem</sup> be commenced more than two years after the time when the subject-matter of the proceeding arose. 1964, c. 63, s. 7, *part, amended.*

Certificate  
as evidence

**32.** A statement as to,

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. 1964, c. 63, s. 7, *part, amended*.

Regulations

**33.** The Lieutenant Governor in Council may make regulations,

- (a) exempting persons or classes of persons from this Act in addition to those exempted under section 2;
- (b) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;
- (c) requiring the payment of fees or application for registration or renewal of registration and prescribing the amount thereof;
- (d) prescribing forms for the purposes of this Act and providing for their use;
- (e) requiring and governing the maintenance of trust accounts by mortgage brokers and prescribing the moneys that shall be held in trust and the terms and conditions thereof;
- (f) requiring and governing the books, accounts and records that shall be kept by mortgage brokers;
- (g) prescribing the information that mortgage brokers shall furnish to borrowers;
- (h) requiring mortgage brokers to make returns and furnish information to the Registrar;

- (i) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;
- (j) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (k) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof. R.S.O. 1960, c. 244, s. 15; 1960-61, c. 57, s. 3; 1964, c. 63, s. 8, *amended*.

**34.** *The Mortgage Brokers Registration Act, The Mortgage Brokers Registration Amendment Act, 1960-61, The Mortgage Brokers Registration Amendment Act, 1961-62, The Mortgage Brokers Registration Amendment Act, 1962-63 and The Mortgage Brokers Registration Amendment Act, 1964* are repealed. R.S.O. 1960, c. 244;  
1960-61, c. 57;  
1961-62, c. 82;  
1962-63, c. 85;  
1964, c. 63, repealed

**35.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

**36.** This Act may be cited as *The Mortgage Brokers Act*, Short title  
1968-69.







The Mortgage Brokers Act, 1968-69

*1st Reading*

June 10th, 1969

*2nd Reading*

*3rd Reading*

MR. ROWNTREE

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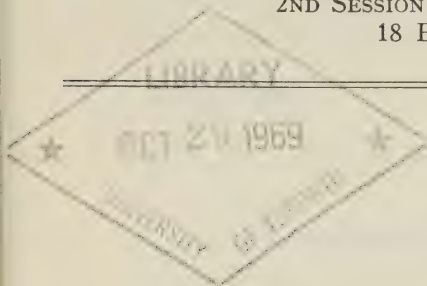
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Publications

## BILL 181

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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### The Mortgage Brokers Act, 1968-69

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MR. ROWNTREE

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*(Reprinted as amended by the Legal and Municipal Committee)*

#### EXPLANATORY NOTE

*The Mortgage Brokers Registration Act* is re-enacted for the purpose of revising the registration procedures and vests in The Commercial Registration Appeal Tribunal all hearings concerning registration with appeals to the Court of Appeal.

BILL 181

1968-69

## The Mortgage Brokers Act, 1968-69

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "Department" means the Department of Financial and Commercial Affairs;
- (b) "Director" means the Director of the Consumer Protection Division of the Department;
- (c) "Minister" means the Minister of Financial and Commercial Affairs;
- (d) "mortgage" has the same meaning as in *The Mort-* R.S.O. 1960,  
c. 245 *gages Act*;
- (e) "mortgage broker" means a person who carries on the business of lending money on the security of real estate, whether the money is his own or that of another person, or who holds himself out as or who by an advertisement, notice or sign indicates that he is a mortgage broker, or a person who carries on the business of dealing in mortgages;
- (f) "prescribed" means prescribed by this Act or the regulations;
- (g) "registered" means registered under this Act;
- (h) "Registrar" means the Registrar of Mortgage Brokers;
- (i) "regulations" means the regulations made under this Act;



1966, c. 41 (j) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*. R.S.O. 1960, c. 244, s. 1; 1964, c. 63, s. 1, *amended*.

Exemptions **2.** This Act does not apply to,

R.S.O. 1960, cc. 190, 194 (a) corporations registered under *The Insurance Act* or *The Investment Contracts Act*;

R.S.O. 1960, cc. 222, 344 (b) corporations registered under *The Loan and Trust Corporations Act* that are not also registered under *The Real Estate and Business Brokers Act*;

1966-67, c. 87 (Can.) (c) banks under the *Bank Act* (Canada);

(d) credit unions;

(e) non-resident insurance companies loaning on the security of first mortgages or acquiring first mortgages of Ontario real estate by virtue of a licence in mortmain or under section 347 of *The Corporations Act*;

R.S.O. 1960, c. 71

(f) an employee of a party to a mortgage transaction when the employee is acting for or on behalf of his employer. R.S.O. 1960, c. 244, s. 14; 1964, c. 63, s. 8, *amended*.

Registrar **3.**—(1) There shall be a Registrar of Mortgage Brokers who shall be appointed by the Lieutenant Governor in Council. *New*.

Duties of Registrar (2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director. R.S.O. 1960, c. 244, s. 2, *amended*.

Registration required **4.**—(1) No person shall carry on business as a mortgage broker unless he is registered by the Registrar under this Act.

Name and place of business (2) A registered mortgage broker shall not carry on business in a name other than the name in which he is registered or invite the public to deal at a place other than that authorized by the registration.

Publication of registration (3) No person shall publish or cause to be published in writing any representation that he is registered under this Act. 1964, c. 63, s. 3, *part, amended*.

(4) Every person who is registered as a real estate broker under *The Real Estate and Business Brokers Act* shall, so long as he is so registered, be deemed to be registered as a mortgage broker under this Act. 1961-62, c. 82, s. 1. Registered  
real estate  
brokers  
R.S.O. 1960,  
c. 344

**5.**—(1) An applicant is entitled to registration or renewal of registration except where, Registration  
of mortgage  
brokers

(a) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;

(b) where the applicant is a corporation, its financial responsibility or the record of past conduct of the corporation or its officers or directors is such that it would not be in the public interest for the registration or renewal to be granted;

(c) the applicant is or proposes to be in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. 1964, c. 63, s. 3, *part, amended*. Conditions  
of registra-  
tion

**6.**—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a condition of the registration. 1964, c. 63, s. 3, *part, amended*. Revocation

(2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration. *New*. Voluntary  
cancellation

**7.**—(1) Where the Registrar refuses to issue or renew a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal. Hearing by  
Tribunal

(2) The Tribunal shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed. Notice of  
hearing

- Idem** (3) The notice of hearing shall contain,
- (a) a statement of the time and place of the hearing;
  - (b) a statement of the statutory power under which the hearing is being held;
  - (c) a reference to the rules of procedure applicable to the hearing;
  - (d) a concise statement of the issues; and
  - (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings. *New.*
- Parties** **8.**—(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.
- Failure to attend** (2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence. *New.*
- Adjournment** **9.**—(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,
- (a) on its own motion; or
  - (b) on the motion of any party to the hearing.
- Subpoenas** (2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.
- Oaths** (3) The Tribunal may require any person,
- (a) to give evidence on oath at a hearing; and
  - (b) to produce such documents and things as the Tribunal requires.
- Idem** (4) The Tribunal may admit evidence not given under oath.
- Offences** (5) Any person who, without lawful excuse,
- (a) on being duly summoned as a witness before the Tribunal, makes default in attending; or
  - (b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or

thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer;

- (c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 6.

(6) The Tribunal may certify an offence under subsection 5 <sup>Enforcement</sup> to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. *New.*

**10.** Any party may be represented before the Tribunal by <sup>Right of party of counsel</sup> counsel or agent. *New.*

**11.**—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. <sup>Right of witness to counsel</sup>

(2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. <sup>Exclusion of counsel</sup> *New.*

**12.** At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. <sup>Right of parties at hearing</sup> *New.*

**13.**—(1) All hearings shall be open to the public except where the Tribunal finds that, <sup>Hearings to be open to public; exceptions</sup>

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.

(2) Notwithstanding the exceptions mentioned in clauses <sup>Idem</sup> a and b of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions. *New.*



Release of  
exhibits

**14.** Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. *New.*

Specialized  
knowledge

**15.—**(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence.

Notice

(2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information.

Contents  
and service  
of notice

(3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. *New.*

Record

**16.** All oral evidence received by the Tribunal shall be taken down in writing and together with,

- (a) the notice of hearing;
- (b) any rulings or orders made in the course of the proceedings of the Tribunal;
- (c) any written submissions received by the Tribunal; and
- (d) the decision and the reasons therefor,

form the record. *New.*

Decision of  
Tribunal

**17.—**(1) The Tribunal may, after the hearing,

- (a) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;
- (b) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.



(2) The final decision of the Tribunal, including the reasons therefor, shall be in writing. Decision to be in writing

(3) The reasons for the final decision shall contain, Contents of reasons for decision

(a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(b) any agreed findings of facts; and

(c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

(4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal. *New.* Notice of decision

**18.** A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such. *New.* Enforcement of decisions

**19.**—(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. Appeal to Court of Appeal

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. Counsel

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. Decision of court

(4) The decision of the Court of Appeal is final. *New.* Idem

**20.** An order of the Tribunal refusing to renew or suspend-ing or revoking a registration shall take effect immediately, but the Tribunal may grant a stay until the order becomes final. *New.* Stay

Further  
applications

**21.** A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. 1964, c. 63, s. 3, *part, amended*.

Investiga-  
tion of  
complaints

**22.**—(1) Where the Registrar receives a complaint in respect of a mortgage broker and so requests in writing, the mortgage broker shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires. 1964, c. 63, s. 4 (1).

Idem

(2) The request under subsection 1 shall indicate the general nature of the inquiry involved. *New*.

Idem

(3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time enter upon the business premises of the mortgage broker to make an inspection in relation to the complaint. 1964, c. 63, s. 4 (2), *amended*.

Inspection

**23.**—(1) The registrar or any person designated by him in writing, may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts are being complied with.

Idem

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a mortgage broker while unregistered, the Registrar or any person designated by him in writing, may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 4. *New*.

Powers on  
inspection

**24.**—(1) Upon an inspection under section 22 or 23, the person inspecting,

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original. *New.* <sup>Admissibility of copies</sup>

**25.**—(1) Where, upon a statement made under oath, it appears probable to the Director that any person has, <sup>Investigations</sup>

- (a) contravened any of the provisions of this Act or the regulations;
- (b) committed an offence, under the *Criminal Code* <sup>1953-54, c. 51 (Can.)</sup> (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act;
- (c) by any false, misleading or deceptive statement or advertisement, representation or promise, or by any dishonest concealment of material facts, induced or attempted to induce any person to borrow money or to be responsible for the repayment thereof or to agree to the terms of any transaction with respect to money lent on the security of a mortgage; or
- (d) induced or attempted to induce any person to pay or be responsible for the payment of excessive or exorbitant fees or expenses in connection with a loan on the security of a mortgage,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such contravention, commission or conduct has occurred and shall report the result of his investigation to the Director.

(2) Notwithstanding subsection 1, the Minister may by order appoint one or more persons to make an investigation into any matter relating to the business of lending money on the security of real estate or dealing in mortgages or for the due administration of this Act, and the person appointed shall report the result of his investigation to the Minister. <sup>Investigation by order of Minister</sup>

(3) For the purpose of any investigation ordered under this section, any person appointed to make the investigation may at any reasonable time enter upon the business premises and may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made <sup>Scope of investigation</sup>

and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or in connection with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the investigation.

Removal of  
records

(4) Any person making an investigation under this section may, upon giving a receipt therefor, remove any document or record relating to the person whose affairs are being investigated and that relate to the subject-matter of the investigation, for the purpose of making a copy of such document or record, provided that such copying is carried out with reasonable dispatch and the document or record in question is promptly thereafter returned to the person whose affairs are being investigated.

Admissi-  
bility of  
copies

(5) Any copy made as provided in subsection 4 and purporting to be certified by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original document or record.

Appoint-  
ment of  
experts

(6) The Minister or Director may appoint any expert to examine documents, records, properties and matters of any person whose affairs are being investigated under this Act.

Evidence  
by witness

(7) The investigator may, in the prescribed form, command the attendance before him of any person as a witness and subsections 2 to 6 of section 9 and section 11 apply to the investigator and the witness in the same manner as to the Tribunal and witnesses before it.

Confiden-  
tiality

(8) No person, without the consent of the Minister, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under this section or the name of any witness examined or sought to be examined in such investigation.

Report to  
Minister

(9) Where, upon the report of an investigation made under subsection 1, it appears to the Director that a contravention, a commission of an offence or conduct referred to in subsection 1 has occurred, the Director shall make a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister. 1964, c. 63, s. 5, *part, amended*.



**26.—(1)** The Director may,Order to  
refrain from  
dealing with  
assets

- (a) after an investigation of any person has been ordered under section 25; or
- (b) where criminal proceedings or proceedings in respect of a contravention of any Act or regulation are about to be or have been instituted against a person that in the opinion of the Director are connected with or arise out of the business in respect of which such person is registered or required to be registered,

in writing or by telegram, direct any person having on deposit or under control or for safe-keeping any assets or trust funds of the person referred to in clause *a* or *b*, to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any other person having any of them on deposit, under control or for safe-keeping or to hold such assets or trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes such direction or consents to release any particular asset or trust fund from the direction, but, in the case of a bank, loan or trust company, the direction only applies to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,  
cc. 14, 296  
R.S.O. 1960,  
cc. 197, 71

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

Bond in  
lieu

- (a) a personal bond accompanied by collateral security;
- (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or
- (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

R.S.O. 1960,  
c. 168

in such form, terms and amount as the Director determines.

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just. R.S.O. 1960, c. 244, s. 9; 1964, c. 63, s. 6, *amended*.

Application  
for  
direction



Notice to  
registrar  
of deeds,  
etc.

(4) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice. *New.*

Notice of  
changes

**27.**—(1) Every mortgage broker shall, within five days after the event, notify the Registrar in writing of,

(a) any change in his address for service;

(b) any change in the officers in the case of a corporation or of the members in the case of a partnership.  
1964, c. 63, s. 3, *part, amended.*

Idem

(2) The registrar shall be deemed to be notified under subsection 1 on the day on which he is actually notified or, where the notification is by mail, on the day of mailing.

Financial  
statements

(3) Every mortgage broker shall, when required by the Registrar with the approval of the Director, file a financial statement showing the matters specified by the Registrar and signed by the mortgage broker and certified by a person licensed under *The Public Accountancy Act*. *New.*

R.S.O. 1960,  
c. 317

False  
advertising

**28.** Where, in the opinion of the Registrar, a mortgage broker is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 7 to 19 apply to the order in the same manner as to a decision of the Registrar refusing registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. 1962-63, c. 85, s. 5, *amended.*

Service

**29.**—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.

Idem

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing. 1964, c. 63, s. 3, *part, amended.*

(3) Notwithstanding subsections 1 and 2, the Tribunal <sup>Exception</sup> may order any other method of service in respect of any matter before the Tribunal. *New.*

**30.**—(1) Where it appears to the Director that any person <sup>Restraining orders</sup> does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

(2) An appeal lies to the Court of Appeal from an order <sup>Appeal</sup> made under subsection 1. *New.*

**31.**—(1) Every person who, <sup>Offences</sup>

(a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;

(b) fails to comply with any order, direction or other requirement made under this Act; or

(c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under <sup>Corporations</sup> subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

(3) No proceedings under this section shall be instituted <sup>Consent of Minister</sup> except with the consent of the Minister.

(4) No proceeding under clause *a* of subsection 1 shall be <sup>Limitation</sup> commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

(5) No proceeding under clause *b* or *c* of subsection 1 shall <sup>Idem</sup> be commenced more than two years after the time when the subject-matter of the proceeding arose. 1964, c. 63, s. 7, *part, amended.*

Certificate  
as evidence

**32.** A statement as to,

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. 1964, c. 63, s. 7, *part, amended*.

Regulations

**33.** The Lieutenant Governor in Council may make regulations,

- (a) exempting persons or classes of persons from this Act in addition to those exempted under section 2;
- (b) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;
- (c) requiring the payment of fees or application for registration or renewal of registration and prescribing the amount thereof;
- (d) prescribing forms for the purposes of this Act and providing for their use;
- (e) requiring and governing the maintenance of trust accounts by mortgage brokers and prescribing the moneys that shall be held in trust and the terms and conditions thereof;
- (f) requiring and governing the books, accounts and records that shall be kept by mortgage brokers;
- (g) prescribing the information that mortgage brokers shall furnish to borrowers;
- (h) requiring mortgage brokers to make returns and furnish information to the Registrar;

- (i) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;
- (j) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (k) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof. R.S.O. 1960, c. 244, s. 15; 1960-61, c. 57, s. 3; 1964, c. 63, s. 8, *amended*.

**34.**—(1) *The Mortgage Brokers Registration Act, The Mortgage Brokers Registration Amendment Act, 1960-61, The Mortgage Brokers Registration Amendment Act, 1961-62, The Mortgage Brokers Registration Amendment Act, 1962-63 and The Mortgage Brokers Registration Amendment Act, 1964* are repealed. R.S.O. 1960  
c. 244;  
1960-61,  
c. 57;  
1961-62,  
c. 82;  
1962-63,  
c. 85;  
1964, c. 63,  
repealed

(2) Notwithstanding subsection 1, the Acts referred to therein continue to apply in respect of any investigation, proceeding or prosecution commenced thereunder before this Act comes into force, except that any certificate required to be given by the Director of the Registration and Examination Branch of the Department under such Acts and given after this Act comes into force shall be given by the Director of the Consumer Protection Division. Unfinished  
proceedings

(3) For the purpose of any prosecution commenced under the Acts referred to in subsection 1 or this Act, any knowledge of the Director of the Registration and Examination Branch of the Department shall be imputed to the Director of the Consumer Protection Division. Director's  
knowledge  
imputed

**35.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

**36.** This Act may be cited as *The Mortgage Brokers Act*, Short title  
1968-69.







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The Mortgage Brokers Act, 1968-69

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*1st Reading*

June 10th, 1969

*2nd Reading*

September 30th, 1969

*3rd Reading*

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MR. ROWNTREE

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*(Reprinted as amended by  
the Legal and Municipal Committee)*

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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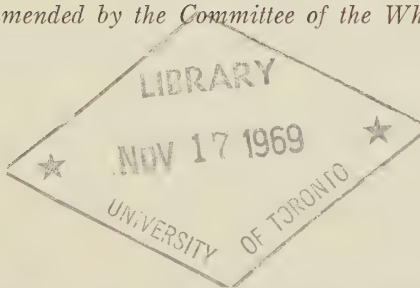
**The Mortgage Brokers Act, 1968-69**

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MR. ROWNTREE

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*(Reprinted as amended by the Committee of the Whole House)*



#### EXPLANATORY NOTE

*The Mortgage Brokers Registration Act* is re-enacted for the purpose of revising the registration procedures and vests in The Commercial Registration Appeal Tribunal all hearings concerning registration with appeals to the Court of Appeal.

BILL 181

1968-69

## The Mortgage Brokers Act, 1968-69

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Department" means the Department of Financial and Commercial Affairs;
- (b) "Director" means the Director of the Consumer Protection Division of the Department;
- (c) "Minister" means the Minister of Financial and Commercial Affairs;
- (d) "mortgage" has the same meaning as in *The Mortgage Act*; R.S.O. 1960,  
c. 245
- (e) "mortgage broker" means a person who carries on the business of lending money on the security of real estate, whether the money is his own or that of another person, or who holds himself out as or who by an advertisement, notice or sign indicates that he is a mortgage broker, or a person who carries on the business of dealing in mortgages;
- (f) "prescribed" means prescribed by this Act or the regulations;
- (g) "registered" means registered under this Act;
- (h) "Registrar" means the Registrar of Mortgage Brokers;
- (i) "regulations" means the regulations made under this Act;



1966 c. 41 (j) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act*, 1966. R.S.O. 1960, c. 244, s. 1; 1964, c. 63, s. 1, *amended*.

## Exemptions

**2.** This Act does not apply to,

R.S.O. 1960,  
cc. 190, 194

(a) corporations registered under *The Insurance Act* or *The Investment Contracts Act*;

R.S.O. 1960,  
cc. 222, 344

(b) corporations registered under *The Loan and Trust Corporations Act* that are not also registered under *The Real Estate and Business Brokers Act*;

1966-67,  
c. 87 (Can.)

(c) banks under the *Bank Act* (Canada);

(d) credit unions;

R.S.O. 1960,  
c. 71

(e) non-resident insurance companies loaning on the security of first mortgages or acquiring first mortgages of Ontario real estate by virtue of a licence in mortmain or under section 347 of *The Corporations Act*;

(f) an employee of a party to a mortgage transaction when the employee is acting for or on behalf of his employer. R.S.O. 1960, c. 244, s. 14; 1964, c. 63, s. 8, *amended*.

## Registrar

**3.—**(1) There shall be a Registrar of Mortgage Brokers who shall be appointed by the Lieutenant Governor in Council. *New.*

## Duties of Registrar

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director. R.S.O. 1960, c. 244, s. 2, *amended*.

## Registration required

**4.—**(1) No person shall carry on business as a mortgage broker unless he is registered by the Registrar under this Act.

## Name and place of business

(2) A registered mortgage broker shall not carry on business in a name other than the name in which he is registered or invite the public to deal at a place other than that authorized by the registration.

## Publication of registration

(3) No person shall publish or cause to be published in writing any representation that he is registered under this Act. 1964, c. 63, s. 3, *part, amended*.

(4) Every person who is registered as a real estate broker under *The Real Estate and Business Brokers Act* shall, so long as he is so registered, be deemed to be registered as a mortgage broker under this Act. 1961-62, c. 82, s. 1.

Registered  
real estate  
brokers  
R.S.O. 1960,  
c. 344

5.—(1) An applicant is entitled to registration or renewal of registration except where,

Registration  
of mortgage  
brokers

- (a) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;
- (b) where the applicant is a corporation, its financial responsibility or the record of past conduct of the corporation or its officers or directors is such that it would not be in the public interest for the registration or renewal to be granted;
- (c) the applicant is or proposes to be in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. 1964, c. 63, s. 3, *part, amended*.

Conditions  
of registra-  
tion

6.—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a condition of the registration. 1964, c. 63, s. 3, *part, amended*.

Revocation

(2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration. *New*.

Voluntary  
cancellation

7.—(1) Where the Registrar refuses to issue or renew a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

Hearing by  
Tribunal

(2) Where the Registrar refuses to renew a registration, the applicant shall be deemed to continue to be registered until an order is made by the Tribunal or until the time for requiring a hearing by the Tribunal expires, whichever occurs first.

Stay of  
refusal  
to renew

Notice of  
hearing

(3) The Tribunal shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Idem

(4) The notice of hearing shall contain,

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a reference to the rules of procedure applicable to the hearing;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings. *New.*

Parties

**8.**—(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.

Failure to  
attend

(2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence. *New.*

Adjourn-  
ment

**9.**—(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

Subpoenas

(2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.

Oaths

(3) The Tribunal may require any person,

- (a) to give evidence on oath at a hearing; and
- (b) to produce such documents and things as the Tribunal requires.

Objection  
re self- in-  
crimination  
R.S.O. 1960,  
c. 125  
R.S.C. 1952,  
c. 307

(4) An applicant or registrant giving evidence under oath before the Tribunal shall be advised of his right to object to answer any question under section 9 of *The Evidence Act* and section 5 of the *Canada Evidence Act*.

Idem

(5) The Tribunal may admit evidence not given under oath.

(6) Any person who, without lawful excuse,

Offences

- (a) on being duly summoned as a witness before the Tribunal, makes default in attending; or
- (b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer;
- (c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 7.

(7) The Tribunal may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. *New.*

Enforcement

**10.** Any party may be represented before the Tribunal by counsel or agent. *New.*

Right of party of counsel

**11.—**(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Right of witness to counsel

(2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. *New.*

Exclusion of counsel

**12.** At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. *New.*

Right of parties at hearing

**13.—**(1) All hearings shall be open to the public except where the Tribunal finds that,

Hearings to be open to public: exceptions

- (a) public security may be involved; or
- (b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.



- Idem* (2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions. *New.*
- Release of exhibits* **14.** Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. *New.*
- Specialized knowledge* **15.—**(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence.
- Notice* (2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information.
- Contents and service of notice* (3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. *New.*
- Record* **16.** All oral evidence received by the Tribunal shall be taken down in writing and together with,
- (a) the notice of hearing;
  - (b) any rulings or orders made in the course of the proceedings of the Tribunal;
  - (c) any written submissions received by the Tribunal; and
  - (d) the decision and the reasons therefor,
- form the record. *New.*
- Decision of Tribunal* **17.—**(1) The Tribunal may, after the hearing,
- (a) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;
  - (b) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,



and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

(2) The final decision of the Tribunal, including the reasons therefor, shall be in writing. Decision to be in writing

(3) The reasons for the final decision shall contain, Contents of reasons for decision

(a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(b) any agreed findings of facts; and

(c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

(4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal. *New.* Notice of decision

**18.** A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such. *New.* Enforcement of decisions

**19.—**(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. Appeal to Court of Appeal

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. Counsel

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. Decision of court

(4) The decision of the Court of Appeal is final. *New.* Idem

**20.** An order of the Tribunal refusing to renew or suspend, stay or revoking a registration shall take effect immediately, but the Tribunal may grant a stay until the order becomes final. *New.* Stay

Further  
applications

**21.** A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. 1964, c. 63, s. 3, *part, amended*.

Investiga-  
tion of  
complaints

**22.**—(1) Where the Registrar receives a complaint in respect of a mortgage broker and so requests in writing, the mortgage broker shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires. 1964, c. 63, s. 4 (1).

Idem

(2) The request under subsection 1 shall indicate the nature of the inquiry involved. *New*.

Idem

(3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time enter upon the business premises of the mortgage broker to make an inspection in relation to the complaint. 1964, c. 63, s. 4 (2), *amended*.

Inspection

**23.**—(1) The registrar or any person designated by him in writing, may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts are being complied with.

Idem

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a mortgage broker while unregistered, the Registrar or any person designated by him in writing, may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 4. *New*.

Powers on  
inspection

**24.**—(1) Upon an inspection under section 22 or 23, the person inspecting,

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original. *New.* Admissibility of copies

**25.**—(1) Where, upon a statement made under oath, it appears probable to the Director that any person has, Investigations

- (a) contravened any of the provisions of this Act or the regulations;
- (b) committed an offence, under the *Criminal Code* <sup>1953-54, c. 51 (Can.)</sup> (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act;
- (c) by any false, misleading or deceptive statement or advertisement, representation or promise, or by any dishonest concealment of material facts, induced or attempted to induce any person to borrow money or to be responsible for the repayment thereof or to agree to the terms of any transaction with respect to money lent on the security of a mortgage; or
- (d) induced or attempted to induce any person to pay or be responsible for the payment of excessive or exorbitant fees or expenses in connection with a loan on the security of a mortgage,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such contravention, commission or conduct has occurred and shall report the result of his investigation to the Director.

(2) Notwithstanding subsection 1, the Minister may by order appoint one or more persons to make an investigation into any matter relating to the business of lending money on the security of real estate or dealing in mortgages or for the due administration of this Act, and the person appointed shall report the result of his investigation to the Minister. Investigation by order of Minister

(3) For the purpose of any investigation ordered under this section, any person appointed to make the investigation may at any reasonable time enter upon the business premises and may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made Scope of investigation

and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or in connection with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the investigation.

Removal of  
records

(4) Any person making an investigation under this section may, upon giving a receipt therefor, remove any document or record relating to the person whose affairs are being investigated and that relate to the subject-matter of the investigation, for the purpose of making a copy of such document or record, provided that such copying is carried out with reasonable dispatch and the document or record in question is promptly thereafter returned to the person whose affairs are being investigated.

Admissi-  
bility of  
copies

(5) Any copy made as provided in subsection 4 and purporting to be certified by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original document or record.

Appoint-  
ment of  
experts

(6) The Minister or Director may appoint any expert to examine documents, records, properties and matters of any person whose affairs are being investigated under this Act.

Evidence  
by witness

(7) The investigator may, in the prescribed form, command the attendance before him of any person as a witness and subsections 2 to 6 of section 9 and section 11 apply to the investigator and the witness in the same manner as to the Tribunal and witnesses before it.

Confiden-  
tiality

(8) No person, without the consent of the Minister, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under this section or the name of any witness examined or sought to be examined in such investigation.

Report to  
Minister

(9) Where, upon the report of an investigation made under subsection 1, it appears to the Director that a contravention, a commission of an offence or conduct referred to in subsection 1 has occurred, the Director shall make a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister. 1964, c. 63, s. 5, *part, amended*.



**26.—(1)** The Director may,

Order to  
refrain from  
dealing with  
assets

- (a) after an investigation of any person has been ordered under section 25; or
- (b) where criminal proceedings or proceedings in respect of a contravention of any Act or regulation are about to be or have been instituted against a person that in the opinion of the Director are connected with or arise out of the business in respect of which such person is registered or required to be registered,

in writing or by telegram, direct any person having on deposit or under control or for safe-keeping any assets or trust funds of the person referred to in clause *a* or *b*, to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any other person having any of them on deposit, under control or for safe-keeping or to hold such assets or trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes such direction or consents to release any particular asset or trust fund from the direction, but, in the case of a bank, loan or trust company, the direction only applies to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952.  
cc. 14, 296  
R.S.O. 1960,  
cc. 197, 71

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

Bond in  
lieu

- (a) a personal bond accompanied by collateral security;
- (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or
- (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

R.S.O. 1960,  
c. 168

in such form, terms and amount as the Director determines.

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just. R.S.O. 1960, c. 244, s. 9; 1964, c. 63, s. 6, *amended*.

Application  
for  
direction



Notice to  
registrar  
of deeds,  
etc.

(4) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice. *New.*

Notice of  
changes

**27.**—(1) Every mortgage broker shall, within five days after the event, notify the Registrar in writing of,

(a) any change in his address for service;

(b) any change in the officers in the case of a corporation or of the members in the case of a partnership.  
1964, c. 63, s. 3, *part, amended.*

Idem

(2) The registrar shall be deemed to be notified under subsection 1 on the day on which he is actually notified or, where the notification is by mail, on the day of mailing.

Financial  
statements

(3) Every mortgage broker shall, when required by the Registrar with the approval of the Director, file a financial statement showing the matters specified by the Registrar and signed by the mortgage broker and certified by a person licensed under *The Public Accountancy Act.* *New.*

R.S.O. 1960,  
c. 317

Statement  
confidential

(4) The information contained in a financial statement filed under subsection 3 is confidential and no person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of the financial statement.

False  
advertising

**28.** Where, in the opinion of the Registrar, a mortgage broker is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 7 to 19 apply to the order in the same manner as to a decision of the Registrar refusing registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. 1962-63, c. 85, s. 5, *amended.*

Service

**29.**—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.

(2) Where service is made by registered mail, the service <sup>Idem</sup> shall be deemed to be made on the third day after the day of mailing. 1964, c. 63, s. 3, *part, amended*.

(3) Notwithstanding subsections 1 and 2, the Tribunal <sup>Exception</sup> may order any other method of service in respect of any matter before the Tribunal. *New*.

**30.**—(1) Where it appears to the Director that any person <sup>Restraining orders</sup> does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

(2) An appeal lies to the Court of Appeal from an order <sup>Appeal</sup> made under subsection 1. *New*.

**31.**—(1) Every person who, knowingly, <sup>Offences</sup>

- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under <sup>Corporations</sup> subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

(3) No proceedings under this section shall be instituted <sup>Consent of Minister</sup> except with the consent of the Minister.

(4) No proceeding under clause *a* of subsection 1 shall be <sup>Limitation</sup> commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

(5) No proceeding under clause *b* or *c* of subsection 1 shall <sup>Idem</sup> be commenced more than two years after the time when the

subject-matter of the proceeding arose. 1964, c. 63, s. 7, *part, amended*.

Certificate  
as evidence

**32.** A statement as to,

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. 1964, c. 63, s. 7, *part, amended*.

Regulations

**33.** The Lieutenant Governor in Council may make regulations,

- (a) exempting persons or classes of persons from this Act in addition to those exempted under section 2;
- (b) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;
- (c) requiring the payment of fees or application for registration or renewal of registration and prescribing the amount thereof;
- (d) prescribing forms for the purposes of this Act and providing for their use;
- (e) requiring and governing the maintenance of trust accounts by mortgage brokers and prescribing the moneys that shall be held in trust and the terms and conditions thereof;
- (f) requiring and governing the books, accounts and records that shall be kept by mortgage brokers;
- (g) prescribing the information that mortgage brokers shall furnish to borrowers;
- (h) requiring mortgage brokers to make returns and furnish information to the Registrar;

- (i) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;
- (j) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (k) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof. R.S.O. 1960, c. 244, s. 15; 1960-61, c. 57, s. 3; 1964, c. 63, s. 8, *amended*.

**34.**—(1) *The Mortgage Brokers Registration Act, The Mortgage Brokers Registration Amendment Act, 1960-61, The Mortgage Brokers Registration Amendment Act, 1961-62, The Mortgage Brokers Registration Amendment Act, 1962-63 and The Mortgage Brokers Registration Amendment Act, 1964* are repealed. R.S.O. 1960  
c. 244;  
1960-61,  
c. 57;  
1961-62,  
c. 82;  
1962-63,  
c. 85;  
1964, c. 63,  
repealed

(2) Notwithstanding subsection 1, the Acts referred to therein continue to apply in respect of any investigation, proceeding or prosecution commenced thereunder before this Act comes into force, except that any certificate required to be given by the Director of the Registration and Examination Branch of the Department under such Acts and given after this Act comes into force shall be given by the Director of the Consumer Protection Division. Unfinished  
proceedings

(3) For the purpose of any prosecution commenced under the Acts referred to in subsection 1 or this Act, any knowledge of the Director of the Registration and Examination Branch of the Department shall be imputed to the Director of the Consumer Protection Division. Director's  
knowledge  
imputed

**35.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

**36.** This Act may be cited as *The Mortgage Brokers Act*, Short title  
1968-69.







The Mortgage Brokers Act, 1968-69

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*1st Reading*

June 10th, 1969

*2nd Reading*

September 30th, 1969

*3rd Reading*

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MR. ROWNTREE

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(Reprinted as amended by  
the Committee of the Whole House)

## BILL 181

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**The Mortgage Brokers Act, 1968-69**

MR. ROWNTREE





## The Mortgage Brokers Act, 1968-69

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Department" means the Department of Financial and Commercial Affairs;
- (b) "Director" means the Director of the Consumer Protection Division of the Department;
- (c) "Minister" means the Minister of Financial and Commercial Affairs;
- (d) "mortgage" has the same meaning as in *The Mortgage Act*; R.S.O. 1960,  
c. 245
- (e) "mortgage broker" means a person who carries on the business of lending money on the security of real estate, whether the money is his own or that of another person, or who holds himself out as or who by an advertisement, notice or sign indicates that he is a mortgage broker, or a person who carries on the business of dealing in mortgages;
- (f) "prescribed" means prescribed by this Act or the regulations;
- (g) "registered" means registered under this Act;
- (h) "Registrar" means the Registrar of Mortgage Brokers;
- (i) "regulations" means the regulations made under this Act;



- 1966 c. 41 (j) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*. R.S.O. 1960, c. 244, s. 1; 1964, c. 63, s. 1, *amended*.

Exemptions **2.** This Act does not apply to,

- R.S.O. 1960, cc. 190, 194 (a) corporations registered under *The Insurance Act* or *The Investment Contracts Act*;
- R.S.O. 1960, cc. 222, 344 (b) corporations registered under *The Loan and Trust Corporations Act* that are not also registered under *The Real Estate and Business Brokers Act*;
- 1966-67, c. 87 (Can.) (c) banks under the *Bank Act* (Canada);
- (d) credit unions;
- (e) non-resident insurance companies loaning on the security of first mortgages or acquiring first mortgages of Ontario real estate by virtue of a licence in mortmain or under section 347 of *The Corporations Act*;
- R.S.O. 1960, c. 71 (f) an employee of a party to a mortgage transaction when the employee is acting for or on behalf of his employer. R.S.O. 1960, c. 244, s. 14; 1964, c. 63, s. 8, *amended*.

Registrar **3.—**(1) There shall be a Registrar of Mortgage Brokers who shall be appointed by the Lieutenant Governor in Council. *New.*

Duties of Registrar (2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director. R.S.O. 1960, c. 244, s. 2, *amended*.

Registration required **4.—**(1) No person shall carry on business as a mortgage broker unless he is registered by the Registrar under this Act.

Name and place of business (2) A registered mortgage broker shall not carry on business in a name other than the name in which he is registered or invite the public to deal at a place other than that authorized by the registration.

Publication of registration (3) No person shall publish or cause to be published in writing any representation that he is registered under this Act. 1964, c. 63, s. 3, *part, amended*.

(4) Every person who is registered as a real estate broker under *The Real Estate and Business Brokers Act* shall, so long as he is so registered, be deemed to be registered as a mortgage broker under this Act. 1961-62, c. 82, s. 1. Registered  
real estate  
brokers  
R.S.O. 1960,  
c. 344

**5.**—(1) An applicant is entitled to registration or renewal of registration except where, Registration  
of mortgage  
brokers

- (a) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;
- (b) where the applicant is a corporation, its financial responsibility or the record of past conduct of the corporation or its officers or directors is such that it would not be in the public interest for the registration or renewal to be granted;
- (c) the applicant is or proposes to be in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. 1964, c. 63, s. 3, *part, amended*. Conditions  
of registra-  
tion

**6.**—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a condition of the registration. 1964, c. 63, s. 3, *part, amended*. Revocation

(2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration. *New*. Voluntary  
cancellation

**7.**—(1) Where the Registrar refuses to issue or renew a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal. Hearing by  
Tribunal

(2) Where the Registrar refuses to renew a registration, the applicant shall be deemed to continue to be registered until an order is made by the Tribunal or until the time for requiring a hearing by the Tribunal expires, whichever occurs first. Stay of  
refusal  
to renew

Notice of  
hearing

(3) The Tribunal shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Idem

(4) The notice of hearing shall contain,

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a reference to the rules of procedure applicable to the hearing;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings. *New.*

Parties

**8.**—(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.

Failure to  
attend

(2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence. *New.*

Adjourn-  
ment

**9.**—(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

Subpoenas

(2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.

Oaths

(3) The Tribunal may require any person,

- (a) to give evidence on oath at a hearing; and
- (b) to produce such documents and things as the Tribunal requires.

Objection  
re self-in-  
crimination  
R.S.O. 1960,  
c. 125  
R.S.C. 1952,  
c. 307

(4) An applicant or registrant giving evidence under oath before the Tribunal shall be advised of his right to object to answer any question under section 9 of *The Evidence Act* and section 5 of the *Canada Evidence Act*.

Idem

(5) The Tribunal may admit evidence not given under oath.

(6) Any person who, without lawful excuse,

Offences

- (a) on being duly summoned as a witness before the Tribunal, makes default in attending; or
- (b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer;
- (c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 7.

(7) The Tribunal may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. *New.*

**10.** Any party may be represented before the Tribunal by counsel or agent. *New.*

**11.—**(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

(2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. *New.*

**12.** At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. *New.*

**13.—**(1) All hearings shall be open to the public except where the Tribunal finds that,

- (a) public security may be involved; or
- (b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.



- Idem: (2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions. *New.*
- Release of exhibits: **14.** Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. *New.*
- Specialized knowledge: **15.**—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence.
- Notice: (2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information.
- Contents and service of notice: (3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. *New.*
- Record: **16.** All oral evidence received by the Tribunal shall be taken down in writing and together with,
- (a) the notice of hearing;
  - (b) any rulings or orders made in the course of the proceedings of the Tribunal;
  - (c) any written submissions received by the Tribunal; and
  - (d) the decision and the reasons therefor,
- form the record. *New.*
- Decision of Tribunal: **17.**—(1) The Tribunal may, after the hearing,
- (a) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;
  - (b) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,



and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

(2) The final decision of the Tribunal, including the reasons therefor, shall be in writing. Decision to be in writing

(3) The reasons for the final decision shall contain, Contents of reasons for decision

(a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(b) any agreed findings of facts; and

(c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

(4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal. *New.* Notice of decision

**18.** A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such. *New.* Enforcement of decisions

**19.—**(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. Appeal to Court of Appeal

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. Counsel

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. Decision of court

(4) The decision of the Court of Appeal is final. *New.* Idem

**20.** An order of the Tribunal refusing to renew or suspending or revoking a registration shall take effect immediately, but the Tribunal may grant a stay until the order becomes final. *New.* Stay

Further  
applications

**21.** A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. 1964, c. 63, s. 3, *part, amended*.

Investiga-  
tion of  
complaints

**22.**—(1) Where the Registrar receives a complaint in respect of a mortgage broker and so requests in writing, the mortgage broker shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires. 1964, c. 63, s. 4 (1).

Idem

(2) The request under subsection 1 shall indicate the nature of the inquiry involved. *New*.

Idem

(3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time enter upon the business premises of the mortgage broker to make an inspection in relation to the complaint. 1964, c. 63, s. 4 (2), *amended*.

Inspection

**23.**—(1) The registrar or any person designated by him in writing, may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts are being complied with.

Idem

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a mortgage broker while unregistered, the Registrar or any person designated by him in writing, may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 4. *New*.

powers on  
inspection

**24.**—(1) Upon an inspection under section 22 or 23, the person inspecting,

(a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and

(b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original. *New.* Admissibility of copies

**25.**—(1) Where, upon a statement made under oath, it appears probable to the Director that any person has, Investigations

- (a) contravened any of the provisions of this Act or the regulations;
- (b) committed an offence, under the *Criminal Code* <sup>1953-54, c. 51 (Can.)</sup> (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act;
- (c) by any false, misleading or deceptive statement or advertisement, representation or promise, or by any dishonest concealment of material facts, induced or attempted to induce any person to borrow money or to be responsible for the repayment thereof or to agree to the terms of any transaction with respect to money lent on the security of a mortgage; or
- (d) induced or attempted to induce any person to pay or be responsible for the payment of excessive or exorbitant fees or expenses in connection with a loan on the security of a mortgage,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such contravention, commission or conduct has occurred and shall report the result of his investigation to the Director.

(2) Notwithstanding subsection 1, the Minister may by order appoint one or more persons to make an investigation into any matter relating to the business of lending money on the security of real estate or dealing in mortgages or for the due administration of this Act, and the person appointed shall report the result of his investigation to the Minister. Investigation by order of Minister

(3) For the purpose of any investigation ordered under this section, any person appointed to make the investigation may at any reasonable time enter upon the business premises and may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made Scope of investigation



and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or in connection with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the investigation.

Removal of  
records

(4) Any person making an investigation under this section may, upon giving a receipt therefor, remove any document or record relating to the person whose affairs are being investigated and that relate to the subject-matter of the investigation, for the purpose of making a copy of such document or record, provided that such copying is carried out with reasonable dispatch and the document or record in question is promptly thereafter returned to the person whose affairs are being investigated.

Admissi-  
bility of  
copies

(5) Any copy made as provided in subsection 4 and purporting to be certified by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original document or record.

Appoint-  
ment of  
experts

(6) The Minister or Director may appoint any expert to examine documents, records, properties and matters of any person whose affairs are being investigated under this Act.

Evidence  
by witness

(7) The investigator may, in the prescribed form, command the attendance before him of any person as a witness and subsections 2 to 6 of section 9 and section 11 apply to the investigator and the witness in the same manner as to the Tribunal and witnesses before it.

Confiden-  
tiality

(8) No person, without the consent of the Minister, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under this section or the name of any witness examined or sought to be examined in such investigation.

Report to  
Minister

(9) Where, upon the report of an investigation made under subsection 1, it appears to the Director that a contravention, a commission of an offence or conduct referred to in subsection 1 has occurred, the Director shall make a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister. 1964, c. 63, s. 5, *part, amended*.

**26.—(1)** The Director may,Order to  
refrain from  
dealing with  
assets

- (a) after an investigation of any person has been ordered under section 25; or
- (b) where criminal proceedings or proceedings in respect of a contravention of any Act or regulation are about to be or have been instituted against a person that in the opinion of the Director are connected with or arise out of the business in respect of which such person is registered or required to be registered,

in writing or by telegram, direct any person having on deposit or under control or for safe-keeping any assets or trust funds of the person referred to in clause *a* or *b*, to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any other person having any of them on deposit, under control or for safe-keeping or to hold such assets or trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes such direction or consents to release any particular asset or trust fund from the direction, but, in the case of a bank, loan or trust company, the direction only applies to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,  
cc. 14, 296  
R.S.O. 1960,  
cc. 197, 71

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

Bond in  
lieu

- (a) a personal bond accompanied by collateral security;
- (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or
- (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

R.S.O. 1960,  
c. 168

in such form, terms and amount as the Director determines.

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just. R.S.O. 1960, c. 244, s. 9; 1964, c. 63, s. 6, *amended*.

Application  
for  
direction



Notice to  
registrar  
of deeds,  
etc.

(4) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice. *New.*

Notice of  
changes

**27.**—(1) Every mortgage broker shall, within five days after the event, notify the Registrar in writing of,

(a) any change in his address for service;

(b) any change in the officers in the case of a corporation or of the members in the case of a partnership.  
1964, c. 63, s. 3, *part, amended.*

Idem

(2) The registrar shall be deemed to be notified under subsection 1 on the day on which he is actually notified or, where the notification is by mail, on the day of mailing.

Financial  
statements

(3) Every mortgage broker shall, when required by the Registrar with the approval of the Director, file a financial statement showing the matters specified by the Registrar and signed by the mortgage broker and certified by a person licensed under *The Public Accountancy Act*. *New.*

R.S.O. 1960,  
c. 317

Statement  
confidential

(4) The information contained in a financial statement filed under subsection 3 is confidential and no person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of the financial statement.

False  
advertising

**28.** Where, in the opinion of the Registrar, a mortgage broker is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 7 to 19 apply to the order in the same manner as to a decision of the Registrar refusing registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. 1962-63, c. 85, s. 5, *amended.*

Service

**29.**—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.

(2) Where service is made by registered mail, the service <sup>Idem</sup> shall be deemed to be made on the third day after the day of mailing. 1964, c. 63, s. 3, *part, amended*.

(3) Notwithstanding subsections 1 and 2, the Tribunal <sup>Exception</sup> may order any other method of service in respect of any matter before the Tribunal. *New*.

**30.**—(1) Where it appears to the Director that any person <sup>Restraining orders</sup> does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

(2) An appeal lies to the Court of Appeal from an order <sup>Appeal</sup> made under subsection 1. *New*.

**31.**—(1) Every person who, knowingly, <sup>Offences</sup>

- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under <sup>Corporations</sup> subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

(3) No proceedings under this section shall be instituted <sup>Consent of Minister</sup> except with the consent of the Minister.

(4) No proceeding under clause *a* of subsection 1 shall be <sup>Limitation</sup> commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

(5) No proceeding under clause *b* or *c* of subsection 1 shall <sup>Idem</sup> be commenced more than two years after the time when the

subject-matter of the proceeding arose. 1964, c. 63, s. 7, *part, amended*.

Certificate  
as evidence

**32.** A statement as to,

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. 1964, c. 63, s. 7, *part, amended*.

Regulations

**33.** The Lieutenant Governor in Council may make regulations,

- (a) exempting persons or classes of persons from this Act in addition to those exempted under section 2;
- (b) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;
- (c) requiring the payment of fees or application for registration or renewal of registration and prescribing the amount thereof;
- (d) prescribing forms for the purposes of this Act and providing for their use;
- (e) requiring and governing the maintenance of trust accounts by mortgage brokers and prescribing the moneys that shall be held in trust and the terms and conditions thereof;
- (f) requiring and governing the books, accounts and records that shall be kept by mortgage brokers;
- (g) prescribing the information that mortgage brokers shall furnish to borrowers;
- (h) requiring mortgage brokers to make returns and furnish information to the Registrar;

- (i) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;
- (j) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (k) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof. R.S.O. 1960, c. 244, s. 15; 1960-61, c. 57, s. 3; 1964, c. 63, s. 8, *amended*.

**34.**—(1) *The Mortgage Brokers Registration Act, The Mortgage Brokers Registration Amendment Act, 1960-61, The Mortgage Brokers Registration Amendment Act, 1961-62, The Mortgage Brokers Registration Amendment Act, 1962-63 and The Mortgage Brokers Registration Amendment Act, 1964* are repealed. R.S.O. 1960  
c. 244;  
1960-61,  
c. 57;  
1961-62,  
c. 82;  
1962-63,  
c. 85;  
1964, c. 63,  
repealed

(2) Notwithstanding subsection 1, the Acts referred to therein continue to apply in respect of any investigation, proceeding or prosecution commenced thereunder before this Act comes into force, except that any certificate required to be given by the Director of the Registration and Examination Branch of the Department under such Acts and given after this Act comes into force shall be given by the Director of the Consumer Protection Division. Unfinished  
proceedings

(3) For the purpose of any prosecution commenced under the Acts referred to in subsection 1 or this Act, any knowledge of the Director of the Registration and Examination Branch of the Department shall be imputed to the Director of the Consumer Protection Division. Director's  
knowledge  
imputed

**35.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

**36.** This Act may be cited as *The Mortgage Brokers Act*, Short title  
1968-69.







The Mortgage Brokers Act, 1968-69

*1st Reading*

June 10th, 1969

*2nd Reading*

September 30th, 1969

*3rd Reading*

October 31st, 1969

MR. ROWNTREE









